REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

PUNJAB AND ITS DEPENDENCIES,

DURING THE YEAR

1877.

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Proceedings of the Honorable the Lieutenant Governor, Punjab, in the Home Department.—No. 3276 dated 23rd September 1878.

No. 1322.

Dated Lahore, the 5th June 1878.

FROM

T. O. WILKINSON, ESQUIRE,

Officiating Registrar Chief Court, Punjab.

To

J. G. CORDERY, ESQUIRE,

Officiating Secretary to Government, Punjab.

SIR,

The Judges of the Chief Court desire me to submit the Annual Statements and Report on the Administration of Civil Justice in the Punjab during the year 1877.

2. No change in the arrangement adopted of recent years has been made in this report The subjects noticed fall, as usual, under the following divisions and headings :—

Part I.—Original Courts.

A.—Institution of suits.
B.—Disposal of original suits.
C.—Miscellaneous suits.
D.—Classification of suits.
E.—Value and cost of suits.
F.—Agency for disposing of suits
G.—Execution of decrees.
H.—Witnesses.

Part II.—Small Cause Courts.

Part III.—Appellate Courts.

A.—District Courts.
B.—Commissioners' Courts.
C.—Chief Court.

Part IV.—Procedure.

PART I.—ORIGINAL COURTS.

A.—INSTITUTION OF SUITS.

Number of original institutions.

3. The original institutions throughout the province amounted to 235,336 cases, showing, as compared with the 239,796 institutions in 1876, a falling off of 1·9 per cent.

Decrease in all classes of Courts.

4. From the following tabular statement of the variations in the numbers of suits filed in the different descriptions of Courts during the last six years, it appears that the above noted decrease is not confined to any particular class of Court :—

Class of Court.	1872.	1873.	1874	1875.	1876.	1877.
Chief Court	16	9	17	15	16	14
District Courts	177,250	184,688	189,250	193,725	217,241	215,379
District Small Cause Courts	34,276	30,964	34,951	30,058	14,925	12,478
Cantonment Small Cause Courts	6,430	6,203	6,431	6,809	7,611	7,465
TOTAL	217,972	221,864	230,649	230,607	239,796	235,336

The decrease in Small Cause Court institutions will more appropriately be noticed under Part II.

Decrease in majority of districts.

5. The decline of original civil litigation appears in the returns of 20 of the 32 districts in the province, and is generally attributed to the scarcity prevalent during the year.

Districts in which decrease is most marked.

6. The falling off in the number of institutions is most marked in the following districts:—

Gurgaon	20·9
Kohát	20·5
Montgomery	18·7
Rohtak	18·6
Hissar	15·3
Karnál	14·5
Pesháwar	13·7
Hazára	12·2

In the Jhelum district the decrease is nominal, amounting to only 14 cases.

Nearly all the above districts were noticed in the report for 1876 for the excessively high percentage of increase of their institutions over those of the preceding year.

The Deputy Commissioners of Gurgaon and Rohtak point out that the chief falling off in those districts was towards the close of the year. This is found to have been generally the case throughout the province.

To the scarcity prevailing in his district, the Deputy Commissioner of Hazára adds, as a further cause of decrease, the falling off in suits connected with land, which he looks upon as not merely temporary but due to the Settlement having been closed for more than three years and the consequent final decision of disputes arising out of land. A similar reason is given for a like result by the Deputy Commissioner of Dera Gházi Khan.

The District Officer at Kohát attributes the local decrease to the transfer of land cases to the Settlement Courts. The Deputy Commissioner of Pesháwar can assign no special reason for the falling off in his district.

Increase in certain districts.

7. In the districts where litigation has increased most, the percentage of increase is small in comparison with that of former years. While institutions, during 1876, outnumbered in 11 districts those of the preceding year in proportions varying from 59·8 to 10·9 per cent., there are in the year under report only 4 districts in which the increase exceeds 10 per cent. *viz*:—

Bannu	17·0
Simla	15·8
Amritsar	12·5
Kángra	10·6

In the Jullundur district there is an advance on the numbers of 1876 of 132 cases.

The Deputy Commissioner of Bannu says that the number of institutions in 1876 was exceptionally small. The Simla increase is attributed to an increase in the population. Mr. Gardiner ascribes the advance in the Amritsar district partly to an abundant spring harvest, and partly to the large demands of grain for exportation making money-lenders anxious to collect outstandings with a view to new investments.

The Deputy Commissioner of Kángra thinks that the bad harvest accounts for the increase in his district.

The Commissioner of Jullundur notices, with marked disfavor, the general increase of litigation in his division, for which he censures our judicial system. "Suits would cease," in Mr. Brandreth's opinion, "if our courts were perfect."

B.—Disposal of Suits.

Suits for disposal.

8. Reference to Imperial Return No. 8, in the Appendix to this report, shows that including 12,535 cases pending from 1876, and 7,725 readmitted and received by transfer, the total number of regular suits for disposal in 1877 was 2,55,596.

Suits disposed of.

9. Of this total, 2,43,982 or 95·5 per cent. were disposed of during the year, and 11,614 or 4·5 per cent. were pending at its close. These results are as nearly as possible the same as those of 1876.

Details of disposal.

10. The cases were disposed of in the following proportions, *viz*:—

29 per cent. without decree.
37 per cent. with decree but without contest.
25 per cent. after contest, by a decree, wholly or partially, in favor of the plaintiff;
9 per cent. after contest, by a decree in favor of the defendant.

The percentage of contested cases to the total disposed of has declined from 36 per cent. in 1875, and 35 in 1876, to 34 in the year under report.

Fuller details.

11. The general results of the years 1876 and 1877, shown in the following table, so nearly correspond as to make comment unnecessary.

1	2	3	4	5	6	7	8	9	10	11	12	13
District.	Year.	Percentage of Cases.									Average duration.	
		Dismissed on default.	Withdrawn with leave, Section 97 Act VIII of 1859 and Section 373 Act X of 1877.	Decided *ex-parte*.	Decided by confession.	By compromise including adjustment under Section 98 of Act VIII of 1859 or Section 375 of Act X of 1877.	By arbitration.	Contested and decided in favor of plaintiff.	Contested and decided in favor of defendant.	Percentage of contested cases decided in favor of plaintiff to the number contested.	In contested cases.	In uncontested cases.
Dilhi ...	1876	12	0·3	12	23	27	1·1	18	8	68	18	12
	1877	11	0·4	9	23	27	1·6	19	9	68	24	14
Gurgaon ...	1876	11	0·3	6	27	33	1·6	17	7	69	33	17
	1877	13	0·2	6	27	27	1·3	17	5	67	41	16
Karnál ...	1876	18	0·7	6	18	33	3·4	16	8	66	29	16
	1877	18	0·6	6	18	32	3·9	17	8	67	29	16
Hissar ...	1876	10	1·2	7	27	31	1·7	19	6	76	20	12
	1877	8	1·4	8	26	33	2·1	16	8	67	24	12
Rohtak ...	1876	7	0·6	6	20	32	2·0	24	9	73	31	14
	1877	8	0·9	6	18	31	1·2	26	10	71	27	15
Sirsa ...	1876	11	0·8	7	11	21	3·2	29	16	65	25	20
	1877	11	1·3	8	16	22	3·3	28	14	67	26	18
Umballa ...	1876	16	1·5	9	15	23	2·1	24	10	69	22	15
	1877	14	1·9	9	17	24	1·4	24	10	69	24	14
Ludhiána ...	1876	14	1·4	4	21	25	0·9	24	12	67	23	14
	1877	10	1·2	5	20	26	1·1	24	14	63	21	14
Simla ...	1876	11	2·2	18	18	12	0·8	30	9	77	15	15
	1877	11	1·9	20	21	10	1·6	28	9	75	15	17
Jullundur ...	1876	15	0·9	9	13	25	1·5	27	9	74	29	10
	1877	16	1·0	9	14	27	1·5	21	9	73	37	20
Hoshiárpur ...	1876	19	0·4	9	10	14	0·4	30	9	77	32	22
	1877	19	0·3	8	26	15	0·5	24	8	75	36	25
Kángra ...	1876	14	1·9	7	21	11	1·9	34	12	73	27	16
	1877	15	1·5	7	27	9	1·5	28	12	71	25	15
Amritsar ...	1876	12	2·2	7	12	14	0·9	29	12	71	31	18
	1877	16	0·6	8	21	15	1·2	27	9	73	34	16
Gurdáspur ...	1876	23	0·3	7	9	20	1·2	31	10	75	28	18
	1877	20	0·2	8	10	21	1·3	32	8	80	26	18
Siálkot ...	1876	21	0·4	11	21	19	1·7	21	6	77	18	11
	1877	24	0·7	10	19	17	1·9	23	6	79	21	13
Lahore ...	1876	15	0·7	10	17	21	1·3	27	9	74	19	16
	1877	17	1·0	9	11	22	1·4	26	11	71	19	16
Gujránwála ...	1876	18	0·5	7	28	13	2·0	24	9	73	28	18
	1877	16	0·4	8	25	18	1·9	23	10	71	21	17
Ferozepore ...	1876	19	2·1	6	25	16	1·5	22	10	68	21	14
	1877	19	2·1	7	29	12	2·0	21	10	68	22	20
Rawalpindi ...	1876	14	1·7	8	12	16	2·8	37	12	75	26	20
	1877	14	1·2	8	14	15	3·4	36	12	75	27	19
Jhelum ...	1876	11	1·2	6	19	25	3·5	25	12	67	22	16
	1877	13	1·3	5	18	26	2·9	24	12	65	27	17
Gujrat ...	1876	24	1·1	4	14	25	3·4	22	10	68	36	26
	1877	24	0·8	5	12	27	2·5	21	11	65	35	25
Shahpur ...	1876	16	3·3	7	19	31	1·9	15	9	62	41	25
	1877	22	2·4	8	13	35	2·7	14	6	70	46	32
Mooltan ...	1876	17	1·3	8	31	18	3·1	17	7	70	20	11
	1877	22	1·4	8	28	16	2·3	16	7	70	17	9
Jhang ...	1876	17	2·0	7	14	37	0·6	21	6	71	23	15
	1877	16	1·8	8	15	31	0·6	22	7	76	15	16
Montgomery ...	1876	15	0·8	7	10	42	1·6	18	7	72	26	16
	1877	19	1·2	9	6	37	2·0	19	9	69	25	18
Muzaffargarh ...	1876	25	0·4	9	22	21	0·5	18	5	77	36	27
	1877	22	0·5	8	23	24	0·9	18	5	79	24	18
Dera Ismail Khan ...	1876	16	3·4	8	15	27	1·9	23	7	76	18	13
	1877	15	2·9	9	17	31	2·3	20	7	75	19	14
Dera Ghází Khan	1876	12	2·8	7	19	19	2·8	30	8	78	15	11
	1877	13	1·6	6	21	22	2·6	28	8	77	17	9
Bannu ...	1876	10	4·4	7	15	22	3·1	28	12	68	26	19
	1877	10	4·2	9	15	23	2·6	26	13	67	23	18
Pesháwar ...	1876	12	1·9	11	16	13	0·8	34	11	75	17	11
	1877	11	1·6	9	14	10	1·1	38	15	71	17	14
Hazára ...	1876	18	2·3	5	13	15	2.5	34	14	70	14	12
	1877	14	3·5	6	24	8	3·0	31	13	70	13	10
Kohát ...	1876	12	1·8	10	19	19	...	29	10	71	21	11
	1877	8	0·9	10	21	24	0·9	28	8	78	31	18
Provincial average	1876	17	1·3	8	18	21	1·7	25	10	73	25	17
	1877	17	1·1	8	19	21	1·7	25	9	72	26	17

12. Seventeen per cent. of cases were dismissed on default. Applications for restoration to the file were made in 19·4 per cent. of cases so dismissed, and of these applications 78·1 per cent. were granted. Fresh suits were brought in 1·1 per cent. of those dismissed;—results in all respects somewhat smaller than those of 1876.

Cases dismissed on default.

The districts of Gujrat and Siálkot (each with 24 per cent.) and Muzaffargarh (22 per cent.) are, as last year, noticeable for the large proportion of cases dismissed on default. To these must in 1877 be added Shahpur and Mooltan with a percentage of 22 each. Compared with these figures, the proportion (8 per cent). in the districts of Hissar, Rohtak and Kohát was small.

13. In the Simla district 20 per cent. of the cases were decreed *ex parte*, which is 12 per cent. in excess of the provincial percentage as shown in column 5 of the foregoing table. The Commissioner of Umballa notes that the majority of these cases were in the Kasauli Court. This high proportion is probably attributable to the shifting character of the population in a hill station.

Ex parte cases.

Decrees *ex parte* were fewest in Ludhiána, Jhelum and Gujrat, numbering in each district 3 per cent. less than the provincial percentage.

14. In 11·6 per cent. of cases decided *ex parte*, applications were made to set aside the decree, as compared with 9·3 per cent. in 1876. In the year under report 64·9 per cent. of such applications were successful as against 70·6 in the preceding year.

Applications to set aside *ex parte* decrees.

15. Arbitration has not been to any great extent more frequently resorted to than in 1876. The highest per-centage of cases decided by this means was in the Karnál District, but it did not there exceed the proportion of 3·9 per cent. to the total of disposals.

Arbitration.

The award was set aside in 22 of the 1,231 cases submitted to the decision of arbitrators.

16. The number of cases pending at the end of the year was 11,614. Of these 4·5 per cent. had been pending more than 2, and 2·2 per cent. more than 4 months.

Pending file.

The oldest pending case was one in the Court of the Judicial Assistant at Rawalpindi. The suit, which is for the partition of Hindú joint property valued at 2 lakhs of rupees, was filed on the 23rd March 1876. It was referred to arbitration; but 7 months elapsed, and no action whatever was taken by the arbitrators nominated. The case has since then been regularly proceeded with, but the evidence, oral and documentary, being most voluminous, only one issue has been decided, and a mass of accounts has still to be reported on by several local Commissioners.

17. The average duration of uncontested cases was 17 days as in 1876 In contested cases it rose from 25 in 1876 to 26 in 1877.

Average duration of cases.

In the latter class of cases the average of duration was highest in the following districts:—

Shahpur	46 days
Gurgaon	41 „
Jullundur	37 „
Hoshiárpur	36 „

and lowest in the undermentioned:—

Simla, Jhang	15 „
Mooltan, Dera Ghází Khan, Pesháwar	17 „

The high average in the Shahpur district is ascribed to a paucity of officers. In Gurgaon the cause is traced to Muhammad Nájaf Khan, Extra Assistant Commissioner, in whose Court a contested case requires on the average 119 days for disposal. The further explanation regarding this high average called for by the Commissioner of Delhi has not yet been communicated to the Judges

Major Beadon and Mr. Coldstream attribute the long duration in the Jullundur and Hoshiárpur districts respectively to the frequent removals of officers and the delay in the appointment of others to replace them. The consequent delay in the disposal of pending cases is thus stated by Mr Coldstream:—

"When an officer leaves, his cases have to be distributed to other Courts, as he is not always immediately followed by a successor. In the new court the files received in a lump have to take their turn for hearing with the cases already on the file of the court, and must necessarily often be postponed to a distant date."

18. There is practically no difference in the average number of attendances by the parties or either of them *pendente lite* in the year under report and that of 1876. While the average for the province was 2·4 that of the Ferozepore district was 4·7.

Average number of appearances.

19. Under the head of plaints rejected or returned, there has been an increase in 1877 of 692 over the total of 1876.

Plaints rejected or returned.

C.—Miscellaneous Cases.

20. In miscellaneous cases there has been a rise of 9,101, or 4·9 per cent. as compared with the increase of 13 per cent. in 1876.

Increase of cases.

The increase in 1877 extends to nearly all classes of miscellaneous cases. The most numerous are applications connected with the execution of decrees. These, however, will be separately noticed (Part I. G.)

21. Applications for certificates to collect debts on succession (under Act XXVII of 1860) have again largely risen in number, and are most frequent in the Districts of Umballa, Amritsar, and Lahore. The following are the provincial totals for three years:—

Cases under Act XXVII of 1860.

1875	1876	1877
544	609	749

The increase is generally ascribed to a wider knowledge of the law on the subject.

22. Equally noteworthy is the steady increase in the number of applications under Section 7 and 8 of Regulation XVII of 1806 for foreclosure of mortgages by way of conditional sale. These applications which numbered 151 in 1875, and 171 in the following year, rose to 339 in 1877. To this total the Gujránwála District alone contributed 71 cases and Amritsar 70. Neither Mr. Bulman nor Mr. Gardiner notices the subject. The increase in this class of cases requires to be very carefully watched.

Under Regulation XVII of 1806.

23. Petitions for review of judgment were fewer in the year under report by 249 than in 1876. The number of such petitions in the Delhi District has fallen off by nearly one-half, while in the Rawalpindi Division it has been more than doubled.

Petitions for review of judgment.

The following are the details of disposal:—

	Number.	*Percentage.*
Struck off for default	... 180	... 7
Rejected on the merits	... 857	... 35
Admitted ...	... 1,424	... 58

The per-centages of cases in which the former orders were upheld (57·5), and reversed or modified (42·5), to cases in which the petition for review was admitted are practically the same as those of 1876.

The general opinion appears to be that the Courts are still too readily moved to admit petitions of this nature.

The Deputy Commissioner of Montgomery approves of the increase in the number of such petitions in his district. He would prefer to see more judgments reviewed and fewer appealed.

24. Of 172 cases of contempt of court summarily dealt with, 32 occurred in the Umballa district.

Contempt of court summarily dealt with.

25. Petitions for permission to sue *in formâ pauperis* rose from 1,195 in 1876 to 1,230 in 1877. The district numbers varied from 142 in Amritsar, to 4 in Rohtak; no such petition was presented in the Jhelum District.

D. Classification of Suits.

26. The various classes of suits and the numbers instituted during the year in each class will be found in Imperial Return No. 6.

The fluctuations during 4 years in the various classes are shown in the subjoined table, from which, as from Imperial Return No. 6, re-admitted and transferred cases are excluded:—

	1874.	1875.	1876.	1877.
Suits for money due on registered bonds	11,688	10,949	12,042	8,528
Do. Do. unregistered bonds	69,684	71,298	75,791	73,485
Do. Do. otherwise than on bonds	95,907	91,785	98,451	99,719
Do. for breaches of contract	1,862	1,747	1,611	1,689
Do. for rent other than of land	2,469	2,669	2,845	2,69[illegible]
Do. for damages	2,417	2,386	2,226	2,288
Do. for recovery of personal property or value thereof ...	14,359	12,895	11,454	13,220
Do. relating to marriage, dower and divorce	3,590	3,541	3,269	3,572
Do. Do. to inheritance	4,345	3,195	4,036	3,488
Do. Do. to revenue	5,402	5,571	6,653	6,622
Do. Do. to mortgages of immovable property ...	3,757	3,251	2,868	2,966
Do. for partition of immovable property	833	835	938	907
Rent suits not under the Punjab Tenancy Act	6,076	5,092	4,846	4,734
Suits under the Punjab Tenancy Act ... — To establish or contest rights of occupancy (Secs. 5, 6, and 8,)	866	1,051	818	712
Suits under the Punjab Tenancy Act ... — Connected with rent (Secs. 10, 11, 14, 15 and 18)	385	524	291	372
Suits under the Punjab Tenancy Act ... — Connected with ejectment (Secs. 19, 20, 25, and 26,)	889	1,127	1,135	928
Other suits	10,119	10,987	10,224	10,379
Total	2,34,148	2,28,903	2,37,498	2,36,245

Suits for land, and for money due.

27. Of the 2,36,245 cases disposed of 18,238 or 7·7 per cent. were suits connected with land, and 1,83,241 or 77·6 per cent. were suits for money. The figures for 1876 showed 1·2 per cent. more in the class of land cases, the proportion of money suits being nearly the same in both years.

Suits for money due on bonds registered or unregistered.

28. There has been a considerable falling off in the number of suits for money on bonds whether registered or unregistered.

The decrease in the number of suits on registered bonds is most conspicuous in the districts of Jullundur (1,716 cases) and Ferozepore (965), while there is a small increase in the Umballa, Hoshiárpur, and Amritsar districts.

The districts of Siálkot and Ludhiána show the most marked decrease in suits on unregistered bonds. In the former the falling off amounts to 1,567, and in the latter to 1,468 cases. An increase of such cases has occurred in the Jullundur Division generally, and, excluding Siálkot, in the Amritsar Division.

The general decrease is attributed to a feeling gaining ground amongst lenders that a bond, whether registered or unregistered, while more expensive and troublesome than an account stated, affords no additional security to the lender, nor any additional facility in recovering money due.

Suits for recovery of personal property.

29. There has been an increase of 1,766 in the number of suits for the recovery of personal property. In the Ferozepore District they increased by 680 cases and in Amritsar by 461.

Suits relating to marriage.

30. In suits relating to marriage and cognate subjects there has been a total increase of 303 cases. In point of numbers, the Rawalpindi District heads the list with 301 cases; but the year's increase (47 cases) is not so

great as in Amritsar (79 cases), while in the Siálkot District the numbers have more than trebled (219 cases in 1877, as compared with 69 in 1876).

Mortgage suits.

31. There has been an increase of about 100 suits relating to the mortgage of immovable property, which is the more to be noticed because there has been of late years a tendency, to a falling off in suits of this nature. The pressure on the agricultural classes during 1877 is generally given as the cause of increase.

Suits relating to mortgage are most frequent in the following districts :—

Rawalpindi	359	Cases.
Amritsar	338	,,
Hoshiárpur	307	,,

Eight cases of the kind occurred in the Muzaffargarh District, while the total for the remaining districts of the Mooltan Division does not exceed 87.

Suits under the Punjab Tenancy Act.

32. Taking the various descriptions of suits under the Punjab Tenancy Act together, it will be seen that there has been a decrease aggregating 232 cases.

This decrease stood out most prominently in the returns of the Gurdáspur, Jullundur, Pesháwar, Hoshiárpur, and Dera Gházi Khan Districts.

Suits under the Tenancy Act were most frequent in the following :—

Ferozepore	311	Cases.
Sirsa	310	,,
Hazara	266	,,

Suits against agriculturists by bankers &c.

33. The figures in the following table show that the increase in suits brought by bankers and shop-keepers against agriculturists still continues :—

Year.	Number of Suits.	Per-centage of increase over previous years.
1875	90,839	9
1876	1,01,272	11
1877	1,15,778	14

Taking the provincial per-centage of 49 as a standard of comparison, the proportion of such cases to the total litigation was high in the following districts :—

Hoshiárpur	76	Per cent.
Kángra	69	,,
Siálkot	68	,,
Shahpur	65	,,

These per-centages compare favorably, however, with those of 1876, especially as regards Shahpur, which in that year headed the list, with 81 per cent.

To note those districts where the proportion of such cases is small, the Simla per-centage of 3 in 1876 has been doubled in 1877, while in the Pesháwar District the proportion has decreased by 1, and in the Sirsa District by 2 per cent.

E. Value and Cost of Suits.

34. The following table adds to the information given in Imperial Return No. 7 certain particulars regarding the value and cost of suits.

Readmitted and transferred cases are excluded from both Statements.

Valuation of suits	Suits relating to proprietary right in or occupancy of land assessed or subject to settlement.										Other suits.									
	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.			Average cost of suits.			Percentage of costs to value.	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.			Average cost of suits.			Percentage of costs to value.
		Rs	Rs.	Rs.	A.	P.	Rs.	A.	P.			Rs.	Rs.	Rs.	A.	P.	Rs.	A.	P.	
Not exceeding Rs. 5	1 054	13.234	6,261	3	4	3	1	8	9	47·3	30 576	1,11,301	26,159	3	10	3	...	13	8	23·4
D „ 20	5,932	75.188	15,329	12	10	9	2	9	4	20·4	81,918	11,14 212	1,42,279	13	9	7	1	11	9	12·7
D „ 100	5,505	2,56 077	34,998	46	8	3	6	5	9	13·7	81,193	34,09,514	3,79,578	41	15	10	4	10	9	11·1
D „ 500	1,760	3.70.267	37,034	210	6	1	21	.	8	10 0	20.132	37,65,836	3.53,796	187	...	11	17	9	2	9·3
D „ 1 000	185	1.28.737	12 007	695	14	.	64	14	5	9·3	1.348	9.18,861	80,020	681	10	...	59	5	9	8·7
D „ 5 000	58	1 03 527	9,467	1,788	6	4	163	3	7	9·1	493	9.15.092	74,808	1,856	2	9	151	11	10	8·2
D „ 10 000	4	30,814	2.206	7,703	8	...	551	8		7·1	33	2,63,616	15,575	7,988	5	9	471	15	6	5 9
D „ 1,00,000			...	...	..	...	.	...	...	...	19	4,30,567	20.281	22,661	6	7	1,067	6	9	4 7
Exceeding „ 1,00,000	.	...	..	...	..		...	...	...	..	..	...	.	...	...	...	...	...	...	.
Total ..	17.498	9,77,844	1,17,302	53	9	9	6	11	3	12·0	2,15.712	1,09,28,999	10,92,496	50	2	1	5	1	.	9 9
Suits of which the value cannot be fixed .	740	...	10,665				14	6	7	...	2.295	.	22,825	...	...	...	9	15	...	...
Grand Total	18,238	9,77,844	1,27,967	53	9	9	7	...	3	13·1	2,18,007	1 09,28,999	11,15,321	50	2	1	5	1	10	10·2

35. The very large proportion of cases, whether land or other, not exceeding Rs. 500 in value or amount, to the total of litigation, cannot fail to attract attention. The proportion, in fact, of such cases to the total disposed of, amounts to 97·8 per cent.

Petty litigation.

36. The statement shows a falling off in land suits (excluding those incapable of valuation) from 20,707 in 1876 to 17,498 in 1877. The decrease occurs chiefly in the class between five rupees and twenty. There were no suits of the highest valuations, but there is a trifling increase in suits between one thousand and ten thousand rupees in value.

Land suits.

The aggregate value, as well as the aggregate cost of suits of this description, has also declined, *viz.* from Rs. 12,05,335 and Rs. 1,20,647 respectively in 1876 to Rs. 9,77,844 and 1,17,302 respectively in 1877; the average value has decreased from Rs. 58-3-4 to Rs. 53-9-9, while the average cost has risen from Rs 5-13-2 to Rs. 6-11-3 and the per-centage of costs to value from 10 to 12.

37. With regard to the system of valuation of land suits, several Officers (and notably the Commissioner of Amritsar) consider that it proceeds on erroneous principles. This is obviously too large a question to find appropriate discussion here.

38. Passing on to the other Sub division in the table, and excluding, as before, suits of which the value cannot be fixed, the figures now given show, as compared with those of 1876, a slight decrease of 182 cases of the smallest denomination, and a more important decrease of 754 cases in suits between Rs. 20 and Rs. 100 in value; while in suits of the higher valuations there is an increase in all denominations together of 336 cases.

Other suits.

The principal increase is in the class of suits between one hundred and five hundred rupees, and amounts to 1,158 cases.

The aggregate value of these suits has declined by Rs. 1,58,531 and the average value from Rs. 51-5-2 to Rs. 50-2-1. The average cost of each case slightly higher than that of 1876, while the per-centage of costs to value has only nominally increased.

39. It is the general opinion that the increased cost of litigation is due to a more careful inquiry, entailing the attendance of more witnesses, and to the greater attention given to the payment of the witnesses who attend.

Causes of increased cost.

F.—Agency for Disposal of Suits.

40. The statement appended supplements the information afforded by Imperial Return No. 8.

Number.	Officers.	*Original cases decided.* Number in 1877.	Per-centage. 1875.	1876.	1877.	Average number of cases decided by Officers of each grade. 1875.	1876.	1877.
32	Deputy Commissioners	176	·1	·07	·1	9	5	5
16	Judicial Assistants (Europeans)	1,766	·2	·5	7	26	83	110
6	Do. (Natives)	2,019		·8	·9		416	336
34	Assistant Commissioners	10,629	6·4	4 2	4 4	236	163	312
13	Extra Asst. Commissioners (Europeans) ...	2,421	2·1	1·1	1·0	240	136	186
60	Do. Do. (Natives)	27,166	15·4	13 0	11·1	454	402	339
110	Tahsildárs	35,128	24·7	15·1	11·4	485	310	319
54	Náib Tahsildárs	12,898	15·1	5 9	5 3	298	123	238
74	Munsiffs	1,17,927	14·4	44·8	48 3	460	1,495	1,593
55	Honorary Civil Judges	13,534	5 2	5·0	5·5	258	249	246
8	Judges of District Small Cause Courts ...	12,764	13 2	6·3	5·2	3,888	1,951	1,595
8	Judges of Cantonment Do. ...	7,543	2 9	3 1	3 1	862	954	943
	Total ..	2,43,971	...	...	...	...	...	...

Munsiffs' Courts.

41. It will thus be seen that while Tahsíldárs have, on the whole, been relieved of judicial work during the year to an increased degree, the amount of civil business disposed of by Munsiffs is steadily increasing. It is believed that alterations and modifications recently introduced will show even more satisfactory results in the returns of the current year; meanwhile the disposal of 48·3 per cent. of the entire litigation of the province by this new class of courts is an appreciable relief to the judiciary no less than to the executive and an incalculable boon to suitors. In looking at the percentages of disposals by Munsiffs and Tahsíldárs respectively, it should be remembered that the proportion of the lattter to the entire agency is 33 5 and of the former 15·1 per cent.

42. An average of more than 2,000 cases was decided during 1877 by each Munsiff in the Districts of Amritsar, Jullundur, Hoshiárpur, Siálkot, and Ludhiána.

Jhelum.	Mooltan.
Gurgaon.	Montgomery.
Pesháwar.	Bannu.

In each of the districts marginally noted, on the other hand, the average did not amount to 900 cases. These are districts with one Munsiff only or at the most 2.

Munsiffs have not been appointed in the districts of the Hissar Division, in Simla, or Kohát.

Tahsíldárs' Courts.

43. It was noted in para 45 of the Report for 1876 that the Judges had fixed 360 cases as the limit of the annual number of disposals fairly demandable from each Tahsíldár. The average of 319 shown in the foregoing table though it slightly exceeds that of 1876, is therefore within the limit.

The limit above mentioned has been somewhat exceeded in the districts of Rawalpindi, Jhelum, and Dera Gházi Khan, and the excess is considerable in the following:—

	Average number of cases.
Pesháwar	491
Kángra	428
Gujrat	413
Rohtak	411
Amritsar	405

There is no Munsiff in the Rohtak District, and in certain of the other districts named arrangements have been made, by the redistribution of Munsiffs' existing circles, and by additions to the staff, to relieve the Tahsíl establishment in future.

Division of work between European and native agency.

44. The European judiciary disposed of 35,299 cases or 14 per cent. of the litigation, while natives dealt with 2,08,672 or 86 per cent. It should be borne in mind that the proportion of European to native officers is as 23 to 77.

The figures of the year under report show a decrease of 2 per cent. in the disposals by European agency, as compared with the out-turn of 1876. This is almost accounted for by the smaller per-centage of cases disposed of in Courts of Small Causes.

Assistant Commissioners.

45. The small average of civil business disposed of by Assistant Commissioners in 1876, commented upon by His Honor the Lieutenant Governor in para. 9 of his Proceedings appended to the report for that year, has almost doubled in 1877, and Judicial Assistants have also disposed of more original cases.

Honorary Civil Judges.

46. The proportion of work done by Honorary Civil Judges is almost the same as that of the same body in 1876.

G.—Execution of Decrees.

47. The progress in execution of decrees is shown in Imperial Return No. 10.

Annexed is a comparative statement of the working of the Courts in this division of business during 1876 and 1877:—

1	2	3	4	5	6	7	8	9	10	11	12	13	14
District.	Year.	Total number of applications for execution.	Completely executed.	Partially executed.	Struck off.	Transferred.	Total number disposed of.	Percentage of decrees completely executed to the No. disposed of.	Average duration.	Value of decrees put in execution	Amount realized. Voluntarily.	Amount realized. After execution of coercive processes.	Percentage realized.
Delhi ...	1876	6,510	1,403	2,531	1,868	296	6,098	23	16	7,78,506	17,812	95,213	15
	1877	5,873	1,522	2,200	1,661	198	5,581	27	22	7,19,603	20,930	1,39,159	22
Gurgaon ...	1876	2,012	614	667	488	36	1,835	35	33	2,16,832	762	38,525	18
	1877	1,901	595	666	522	40	1,823	33	34	2,11,097	99	42,353	20
Karnál ...	1876	2,447	626	484	1,086	49	2,245	28	34	4,16,418	3,983	58,699	15
	1877	2,210	510	423	1,085	41	2,059	24	35	1,16,547	8,518	43,756	15
Hissar ...	1876	2,355	621	673	985	15	2,294	27	22	2,08,731	12,937	35,803	23
	1877	1,645	475	439	659	22	1,595	29	24	1,14,743	5,253	22,129	24
Rohtak ...	1876	3,091	1,015	1,340	442	43	2,840	36	38	1,67,132	8,511	40,927	30
	1877	2,650	917	1,157	425	40	2,539	36	38	1,52,930	9,938	36,455	30
Sirsa ...	1876	1,276	408	297	411	36	1,152	35	35	1,09,082	13,031	15,975	26
	1877	1,153	367	352	352	13	1,081	34	31	1,12,739	17,385	15,939	29
Umballa ...	1876	6,558	2,525	1,450	1,795	...	5,770	44	30	5,17,995	14,085	1,62,961	34
	1877	6,929	2,476	1,659	2,192	...	6,327	39	39	6,65,562	22,991	1,64,657	29
Ludhiána ...	1876	6,837	1,788	2,296	2,127	...	6,211	29	26	4,35,838	9,542	68,773	18
	1877	6,977	1,878	2,566	2,192	...	6,636	29	26	4,39,143	11,103	1,04,674	26
Simla ...	1876	1,782	549	289	800	42	1,680	33	10	1,66,780	5,985	37,553	26
	1877	2,059	582	435	903	48	1,968	29	10	1,82,668	7,824	19,910	31
Jullundur ...	1876	11,438	3,087	3,147	3,965	...	10,199	30	30	8,26,506	11,915	1,94,518	25
	1877	12,836	3,269	3,674	4,102	...	11,045	29	33	8,37,638	11,238	1,91,477	24
Hoshiárpur. .	1876	10,789	2,864	2,319	4,346	...	2,520	30	40	6,70,997	10,508	1,39,603	22
	1877	12,189	3,282	2,812	4,267	...	10,361	32	39	7,85,925	12,001	1,63,368	22
Kángra ...	1876	5,431	1,481	726	840	...	3,047	49	41	1,82,770	6,995	48,657	30
	1877	4,092	1,783	1,074	913	...	3,770	47	39	1,50,397	4,982	49,384	36
Amritsar ...	1876	12,502	3,278	2,532	3,943	1,325	11,078	29	31	9,77,421	37,079	2,35,704	27
	1877	13,034	3,934	2,986	3,896	533	11,318	35	26	8,04,236	33,691	2,06,514	30
Gurdáspur ...	1876	7,219	2,419	1,555	2,269	11	6,254	39	63	5,26,131	2,672	1,42,097	28
	1877	8,560	2,845	2,394	2,135	24	7,399	39	53	5,36,744	4,008	1,56,141	30
Siálkot ...	1876	12,931	3,940	3,773	3,823	...	11,536	34	23	6,06,932	1,284	1,93,160	32
	1877	11,980	3,833	3,174	3,512	.	10,819	35	23	4,72,863	1,175	1,81,850	38
Lahore ...	1876	12,698	3,236	3,663	4,896		11,795	27	26	7,05,076	38,049	1,50,303	27
	1877	12,183	3,080	3,571	2,928	12	11,591	27	29	5,90,142	46,840	1,41,169	32
Gujránwála	1876	6,286	1,581	1,421	2,560	22	5,587	28	34	3,07,708	19,026	61,008	26
	1877	7,166	1,871	1,687	2,832	25	6,418	29	37	3,38,909	11,630	75,604	26
Ferozepore ...	1876	5,693	1,540	1,781	1,727	..	5,018	31	25	3,65,837	12,301	83,666	26
	1877	6,121	1,651	1,957	2,052	...	5,660	29	33	4,38,881	8,551	1,05,191	26
Rawalpindi ...	1876	5,502	2,275	971	1,773	42	5,063	45	32	3,93,358	12,960	1,01,190	29
	1877	5,869	2,256	1,174	1,950	38	5,418	42	31	4,88,586	14,030	1,08,911	25
Jhelum ...	1876	2,613	1,017	796	543	1	2,387	44	45	1,77,703	2,389	65,380	38
	1877	2,138	871	505	528	...	2,201	39	29	2,06,755	3,144	53,320	27
Gujrat ...	1876	4,966	1,818	1,139	1,449	...	4,406	41	36	1,88,267	5,430	81,073	46
	1877	5,246	1,564	1,110	1,520	...	4,494	35	27	1,93,624	3,451	83,911	45
Shahpur ...	1876	2,991	671	472	1,369	...	2,512	27	46	1,86,679	5,750	31,378	19
	1877	3,250	759	527	1,591	..	2,877	26	52	2,52,353	10,183	31,799	18
Mooltan ...	1876	2,107	879	400	739	...	2,018	44	25	2,98,005	18,730	59,636	26
	1877	1,993	780	400	679	...	1,859	42	25	1,86,056	12,474	50,152	34
Jhang ...	1876	2,377	936	472	847	...	2,255	41	35	1,17,401	6,061	39,89	38
	1877	2,245	883	485	721	..	2,089	42	31	84,636	8,292	23,95	38
Montgomery	1876	2,186	564	508	952	...	2,024	27	27	1,91,178	18,344	22,826	21
	1877	2,042	564	471	864	...	1,899	30	26	1,63,260	11,853	19,007	19
Muzaffargarh	1876	2,271	768	258	1,035	8	2,069	37	43	1,14,879	2,303	31,200	29
	1877	2,328	918	331	970	9	2,228	41	31	1,08,313	2,209	41,281	40
Dera Ismail Khan	1876	2,138	943	341	711	1	1,999	47	29	1,40,972	7,499	12,660	36
	1877	2,561	1,022	433	978	...	2,433	42	19	2,00,110	15,631	52,368	34
Dera Ghazi Khan	1876	3,069	1,801	502	613	1	2,917	62	17	1,04,636	30,373	28,481	56
	1877	2,773	1,520	368	695	...	2,583	59	19	1,21,043	21,750	36,500	48
Bannu ...	1876	1,406	818	164	342	...	1,324	62	37	76,327	5,770	21,908	31
	1877	1,589	802	247	377	...	1,426	56	24	87,910	12,661	32,914	52
Peshawar ...	1876	3,521	1,464	777	721	...	2,962	49	11	2,10,012	13,626	80,444	45
	1877	3,500	1,559	909	740	...	3,208	49	17	2,24,572	16,779	80,361	43
Hazára ...	1876	1,877	852	493	351	...	1,696	50	19	88,240	4,004	28,640	37
	1877	1,946	779	578	446	...	1,803	43	19	69,262	6,812	24,315	45
Kohát ...	1876	462	273	100	82	...	435	63	25	20,262	1,315	8,268	50
	1877	319	193	57	54	...	304	63	31	15,048	1,161	6,607	52
Total ...	1876	153,374	48,114	38,343	49,878	1,928	138,263	35	31	1,04,94,144	3,61,561	24,42,136	26
	1877	157,937	49,343	43,720	48,741	1,043	142,847	34	30	97,75,995	3,82,117	25,39,391	30

48. The increase of 2·9 per cent. in 1877 over the number of applications in 1876 is small as compared with the increase of 12 per cent. between the latter year and 1875.

49. The disposals amounted, as in 1876, to 90 per cent. (142,847) of the applications for execution (157,937). The details of disposal for the two years were as follows:—

	Percentage 1877.	1876.
Completely executed	31	35
Partially „	31	28
Struck off without any execution	34	36
Transferred	1	1

The figures for 1877 compare favorably in the above statement with those of the preceding year.

Decrees completely executed.

50. The per-centage of decrees completely executed was highest in the Kohát District, (63). The proportion of realizations to amount in execution in that district as also in the Bannu District was 52 per cent. Dera Gházi Khan (59 per cent.) and Bannu (56) show results in the proportion of decrees completely executed a good deal above the average.

In Karnál only 24 per cent. of the total disposed of were completely executed.

Realizations.

51. The total value of money decrees put in execution was Rs. 97,75,995. Of this sum Rs. 29,21,508, or 30 per cent., were realized.

This shows an advance in the matters of realizations of 4 per cent. The change in the method of entering the amount in execution and the separation of money decrees and their realizations from decrees connected with land, described in para. 53 of last year's report, have now been enjoined, but the above results are by no means commensurate with the improvement which the alteration was expected to introduce.

A strong presumption, indeed, arises that the instructions on this point have not been properly followed. They were issued late in the year, and there may have been some difficulty in preparing the annual statements in accordance with the instructions.

In the Karnál District, where the new system is known to have been thoroughly carried out, there is an increase of 30 per cent. in the realizations of 1877 over those of 1876. The Bannu per-centage has increased from 31 to 52, and in Muzaffargarh there has been an advance of 11 per cent. Comparing these results with those in the Shahpur and Montgomery Districts, where the low per-centages of 1876 (19 and 21 per cent. respectively), have been still further reduced by one per cent. in the former, and 2 per cent. in the latter, case, and noting that the Jhelum returns reveal a falling off of 11 per cent, it is difficult to suppose that a uniform system can have been adopted.

Details of realization.

52. Money decrees were realized as follows:—

Paid in voluntarily	13	per cent.
Realized by means of arrest or imprisonment	5	„
„ by attachment of movable or immovable property ...	64	„
„ by sale of ditto ditto ...	18	„

The only difference between the above proportions and those of 1876 lies in an increase of 4 per cent. in the realizations by sale of property. Attachment of property, in other words, lost its efficacy in 4 per cent. of cases.

Decrees for immovable property and specific performance.

53. There were, besides the money decrees noted above, 5,905 decrees relating to immovable property put into execution during the year, showing an increase of 724 over the numbers of 1876. Decrees for specific performance rose from 851 to 905.

Arrest and imprisonment.

54. Of 6,760 persons whose arrest was applied for, 723 were committed to Jail. The average detention of civil prisoners of all kinds was 38 days. Of those imprisoned, 473 were released within a month. The longest period any person was detained, was 18 months and 15 days. This case occurred in the Muzaffargarh District, and the prisoner is the debtor described in para. 57 of the report for 1876. Six persons were detained for a period exceeding half a year.

The amount realized by means of arrest was Rs. 1,26,031, and by means of imprisonment Rs. 22,343.

Attachment and sale of property.

55. Sales of movable property were necessary in 21,312 of the 106,962 attachments made.

There were 2,300 sales of immovable property in 8,319 cases of attachment. In 93 of the sales, the property was hereditary or jointly acquired.

Temporary alienation of land.

56. There were 302 temporary alienations of land as compared with 495 in the previous year.

Average duration.

57. The average duration of execution cases has decreased from 31 to 30 days.

H.—Witnesses.

58. The following statement shows the attendance of witnesses in Civil Courts during the past two years :—

	1876.	1877.	Difference.
Number of witnesses who appeared voluntarily	145,999	146,947	+948
Number of witnesses who appeared on summons	260,527	254,135	−6,392
Total	406,526	401,082	−5,444

The falling off is attributable to the decrease both in litigation generally and in the per-centage of contested cases.

Voluntary witnesses.

59. There is again an increase in the number of witnesses who attended without the issue of process for their appearance.

Opinions vary as to the advantage or otherwise of the attendance of witnesses by private arrangement. Those Officers who regard the system with favor do not set forth the grounds on which their opinion is based. It is objected, on the other hand, that the system frequently involves adjournments, and that the people themselves regard, or affect to regard, such witnesses as venal or prejudiced.

Payment of witnesses.

60. The payment of witnesses is almost universal. The rare exceptions are chiefly in the frontier districts. In such districts a system of payment only on the demand or complaint of the witness obtains.

Time of payment.

61. On the other hand, the direction of the Code whereby the amount of his expenses should be tendered to the witness with the summons is very generally disregarded, and the practice substituted of paying him through the Court officials, under the presiding officer's eye, after his evidence has been recorded.

Particulars wanting.

62. The returns do not distinguish summonses to witnesses from other processes issued; and, from want of distinction between process fees paid for summoning defendants, and other expenses, information as to the cost of obtaining the attendance of witnesses and the amount paid to them as diet money and expenses is not forthcoming.

PART II.—SMALL CAUSE COURTS.

63. The statement below gives the working of the District Small Cause Courts during the year :—

1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Number of cases on the file.										Average duration of each case.		
Courts.	Pending from last year.	Instituted in 1877.	Readmitted. Sections 110 and 119 Act VIII of 1859, Sec. 99 and 103 Act X of 1877 or Section 21 Act XI of 1865.	Total.	Disposed of without decree.	Decreed without contest.	Decreed with contest.	Grand total disposed of.	Pending at end of the year.	Per-centage of contested cases.	Contested.	Uncontested.	Cases in column 3 brought by bankers and shop-keepers against agriculturists.
Delhi	48	2,414	48	2,510	599	952	849	2,400	110	35·4	6	6	...
Simla	2	1,311	9	1,322	322	420	580	1,322	...	43·9	14	13	...
Ludhiána	26	768	...	794	185	249	360	794	...	45·3	23	22	1
Jullundur	25	451	14	490	132	119	239	490	...	48·8	21	16	5
Hoshiárpur	18	448	15	481	148	202	131	481	...	27·2	16	19	53
Amritsar	99	2,605	63	2,767	778	862	1,044	2,684	83	38·9	15	15	60
Lahore	148	3,856	74	4,078	930	1,619	1,395	3,944	134	35·3	12	13	351
Peshâwar	15	625	9	649	161	261	227	649	...	34·9	12	10	...
Total ... 1877	381	12,478	232	13,091	3,255	4,684	4,825	12,764	327	37·8	13	11	470
Total ... 1876	622	14,925	444	15,991	4,056	6,018	5,541	15,610	381	35·5	14	13	537

64. The Courts at the places marginally noted were closed in November 1877, so that the figures against their names represent the business of only 10 months as compared with the 11 months' total of the remainder. Hence a comparison of the general working of the Courts during 1877 with that of 1876 is unsatisfactory.

Ludhiána. | Hoshiárpur.
Jullundur. | Peshâwar.

65. Bearing this circumstance in mind, the falling off in the general totals of institutions and disposals is easily explained. It is noteworthy that in the Jullundur and Hoshiárpur Courts the number of institutions are practically unaltered, in spite of the shorter period during which they were at work, during the year under report.

66. Excluding the four abolished Courts from consideration, the Court at Simla, with an excess of 203 cases, is the only one which shows an increase of institutions over those in 1876.

The decrease in the Courts at Delhi, Amritsar and Lahore is in a measure attributed by the local authorities to the restriction of their respective jurisdictions to municipal limits. This restriction having been made, however, in February 1876, would account to a small degree only for the difference. It must therefore be assumed that the decrease has been caused by the same causes as have governed the general decrease of litigation in the Province.

It has been remarked by more than one of the presiding officers that the decrease would probably have been even grater, but for the fact that the new Code of Civil Procedure renders the defendant's place of residence at the time of a suit's institution immaterial provided the cause of action arose within the Court's local jurisdiction.

Cases for disposal.

67. Of the total number (13,091) of causes for disposal, 12,764 or 97·5 per cent. were disposed of during the year.

Details of disposal.

The details of disposal are as under :—

Dismissed in default	12	per cent.
Otherwise disposed of without decree	13	"
Decided *ex-parte*	10	"
Otherwise disposed of with decree but without contest	27	"
Decreed after contest in favor of plaintiff ...	29	"
" " " of defendant ...	9	"

The figures, subject to the considerations set forth in para. 64, are generally similar to those of 1876.

Comparing them with the corresponding statistics of ordinary District Courts, the principal difference lies in the higher proportion, amounting to 4 per cent., of contested cases in Courts of Small Causes.

Average duration.

68. The average duration of contested cases in District Small Cause Courts has fallen from 14 to 13 days, and in uncontested cases from 13 to 11 days.

This result is satisfactory considering that the pendency of many individual cases must have been considerably increased for the reasons stated in the concluding portion of para. 66. It may be anticipated that the practical extension of jurisdiction therein adverted to, will perceptibly influence future averages, as the change introduced by the new Code came into operation only in the last quarter of the year under report.

Oldest pending case.

69. Mr. Parker remarks that in 29 of the 110 cases pending at the close of the year in the Delhi Court, the defendants resided out of the Court's jurisdiction. The delay in the disposal of the oldest pending case, which dated from the 11th October, was entirely due to this cause.

Witnesses.

70. The proportion of witnesses who appeared voluntarily was the same as in 1876, *viz.* 24 per cent. Witnesses to the number of 16,236, in all, appeared during the year in District Small Cause Courts.

Suits by bankers, &c. against agriculturists.

71. In 1876 the proportion of suits by bankers and shop-keepers against agriculturists was 3·4 per cent. of the total of cases disposed of. In 1877 the proportion was 3·7 per cent.

Re-trials.

72. There were 466 applications for re-trial in the year under report as compared with 694 in the preceding year, showing a proportion of 10 per cent. of the contested cases disposed of in 1877.

Of such applications 7 were pending at the close of the year. The details of disposal of the applications disposed of were as under :—

	Per cent.
Struck off *in limine*	77
Cases in which former judgment was maintained	13
Cases in which former judgment was reversed or modified ...	10

Cantonment Small Cause Courts.

73. The work of Cantonment Small Cause Courts appears in the annexed statement :—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
COURTS.	NUMBER OF CASES ON THE FILE.											AVERAGE DURATION OF EACH CASE.		
	Pending from last year.	Instituted in 1877.	Re-admitted under Sec. 110 and 119 Act VIII of 1859 or Secs. 99, 103, 108, Act X of 1877.	Received by transfer.	Total.	Disposed of without decree.	Decreed without contest.	Decreed with contest.	Grand total disposed of.	Pending at end of the year.	Percentage of contested cases.	Contested.	Uncontested.	General average duration.
Umballa ...	12	1,288	24	...	1,324	345	561	414	1,320	4	31·4	7	5	6
Jullundur ...	5	478	7	...	490	120	235	122	477	13	25·6	19	12	14
Siálkot ...	21	553	...	...	574	160	302	96	558	16	17·2	17	10	11
Mean Meer ...	32	852	...	...	884	90	418	372	880	4	42·3	8	7	7
Ferozepore ...	7	1,011	...	...	1,018	166	674	171	1,011	7	16·9	8	2	3
Rawalpindi ...	5	1,928	...	...	1,933	410	926	594	1,930	3	30·8	8	6	6
Mooltan ...	27	552	3	...	582	169	270	125	564	18	22·2	9	6	7
Peshâwar ...	6	803	11	...	820	135	472	196	803	17	24·4	9	7	7
Total 1877	115	7,465	45	...	7,625	1,595	3,858	2,090	7,543	82	27·7	11	7	7
Total 1876	92	7,611	44	...	7,747	1,708	3,957	1,967	7,632	115	25·8	12	10	10

The trifling decrease of 146 cases on the total number of institutions has been caused by a falling off in all the Courts except those at Meean Meer, Rawalpindi and Mooltan. The most considerable decrease (495 cases) occurs in the Umballa Court; the chief increase (805 cases) in that at Rawalpindi.

There is a trifling rise in the proportion of reversals from 14·4 per cent. in 1876 to 15·1 in 1877. In Kohát, Muzaffargarh, Delhi, Gurgaon and Gujránwála the proportion varies from 28 to 23 per cent. It was very low in Ludhiána (5 per cent.), Gurdáspur (8 per cent.) and Gujrat (8 per cent.).

Cases remanded show a tendency to increase in number. Such cases are more numerous by 1·9 per cent. than in 1876, and by 4 per cent. than in 1875. The proportion of remands to disposals exceeds 20 per cent. in the Districts of Kohát, Shahpur and Dera Ismail Khan. In the Hissar district they do not exceed one per cent.

Pending file.

83. In the pending file of 573 cases, there were 73 of over 2, and 8 of over 4 months duration. The cases appear to be evenly distributed among the Courts.

Average duration.

84. The average duration of appeals in District Courts has again increased—*viz.*, from 28 to 31 days. It varies from 65 days in Gurgaon to 7 days in Hissar.

Excluding Gurgaon, where circumstances have been exceptional, the very high average in the following districts:—

		Days.
Ferózepore	...	61
Umballa	...	52
Jullundur	...	49
Gujrát	...	44

has been more or less satisfactorily explained.

It should also be remarked that when so large a proportion of cases is remanded, and in another large proportion, the summary process prescribed by the law not enforced, a high average duration must be expected. It is believed, moreover, that the preliminary proceedings known as the "katcha peshi," are not taken as early as they might be, and that when cases are remanded to the Lower Court a date for the return to the remand is not invariably fixed.

The appeal longest pending, dating from the 19th May 1877, was in the Hazára district. The delay has not been satisfactorily explained, but the case has since been decided.

Value and cost of appeals.

85. The value and cost of appeals in District Courts are exhibited in the following statement. The insertion of the totals of 1876 obviates special remarks.

Scale of valuation.		Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.			Average cost of appeals.			Percentage of costs to value.
Not exceeding Rs.	5	1,002	3,419	1,417	3	6	7	1	6	7	41·4
" " "	20	2,975	36,872	6,231	12	6	5	2	1	6	16·9
" " "	100	3,939	1,88,718	20,939	47	14	4	5	5	1	11·1
" " "	500	902	1,49,931	13,882	166	3	6	15	6	3	9·2
Appeals of which no value can be fixed	...	212	...	2,340	...	..	...	11	0	7	...
Total, ...	1877.	9,030	3,78,940	44,809	41	15	5	4	15	5	11·8
	1876.	8,306	3,65,406	40,319	43	15	11	4	13	8	11·0

B.—Appeals to Commissioners.

86. Annexed is a statement showing details of the working of Commissioners' Courts, during the year, with the totals of 1876 for purposes of comparison:—

Division.		Number of appeals for disposal.	Number disposed of.	*Appeals withdrawn, transferred, or struck off for default.*		*Confirmed.*		*Modified.*		*Reversed.*		*Remanded under section 351 Act VIII of 1859 or section 562 of Act X of 1877.*	
				Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Delhi		588	396	32	8·1	206	52·0	22	5·6	101	25·5	35	8·8
Hissar		428	405	16	3·9	243	60·0	52	12·9	77	19·0	17	4·2
Umballa		806	509	26	5·1	369	72·5	17	3·3	87	17·1	10	2·0
Jullundur		1,381	1,125	58	5·1	732	65·1	52	4·6	217	19·3	66	5·9
Amritsar		859	586	19	3·2	366	62·5	43	7·3	119	20·3	39	6·7
Lahore		910	809	17	2·1	580	71·7	32	3·9	151	18·6	29	3·6
Rawalpindi		751	729	18	2·5	578	79·3	20	2·7	87	11·9	26	3·6
Mooltan		226	203	10	4·9	96	47·3	15	7·4	49	24·1	33	16·3
Derajat		172	167	4	2·4	108	64·7	17	10·2	28	16·7	10	6·0
Peshawar		244	218	4	1·8	140	64·2	26	11·9	36	16·5	12	5·5
Total ...	1877	6,365	5,147	204	4·0	3,418	66·4	296	5·7	952	18·5	277	5·4
	1876	6,909	5,868	329	5·6	3,624	61·8	408	7·0	1,059	18·0	448	7·6

While, therefore, the numbers for disposal have decreased by 7·8 per cent., the disposals have also fallen off (12·3 per cent). This has arisen from institutions gaining on disposals chiefly in the Umballa and Amritsar Divisions, and, in a smaller degree, in the Delhi Court. The causes of the block will be noticed in a later para.

General results.

75. In appeals to District Courts there has been an increase of somewhat over 3·1 per cent., and a decrease slightly less than 3·1 per cent. in appeals to Commissioners. The net result is an increase of ·5 per cent. in the total appellate work of the two descriptions of Courts.

There is a slight decrease of ·5 per cent. in first appeals. The proportion of increase in second appeals is 20·3 per cent.

Increase in certain Districts.

76. Excluding Simla, where there has practically been a transfer of appeals from the Divisional to the District Court, owing to the Assistant Commissioner exercising special, instead of full, Civil powers as in former years; the increase in the Appellate work of District Courts is most marked in Jhelum with an advance of 56 per cent., and Mooltan with 51 per cent.

Major Wace can give "no certain explanation" of the Jhelum increase. He inclines to the opinion that, besides the increasing tendency among the people to appeal, a Stationary Court of Appeal (the Judicial Assistant's) is more frequented than the Deputy Commissioner's, which is often on the move. It may also be noticed that the opening of an Appellate Court at Pind Dádan Khan may have stimulated, by facilitating, appeals in that Sub-division, and thereby have swelled the District totals.

The Mooltan increase is ascribed to a larger out-turn of work by the Munsiff and to the substitution of an Extra Assistant Commissioner with special powers in place of one with full powers.

Decrease in certain Districts.

77. The greatest falling off in Appellate work was in the following Districts :—

Muzaffargarh	...	...	...	49 per cent.
Kohát ...	...	...	...	46 „
Hissar ...	...	...	...	44 „

All these Districts show considerable falling off in original cases. Major Harington also notes that more work having been disposed of in the Muzaffargarh District by Officers with full Civil powers, the appeals from their orders have been heard by the Commissioner, thereby diminishing the business in the District Appellate Court. The subject is not noticed by Captain Plowden, nor by Colonel Forster.

Appeals in Commissioners' Courts.

78. Appeals to the number of 5,308 were preferred in Commissioners' Courts. Of these, 82 per cent. were first appeals.

Proportion of appeals to original appealable decisions in certain Districts.

Delhi. | Gurgaon.
Karnál. | Sirsa.

79. The Shahpur District supplies the highest per-centage (43·5) of first appeals to original appealable decisions. In the Districts named in the margin the proportion ranged in the order noted from 37·5 per cent. in the first named to 34·8 in the last.

The lowest per-centage was in Muzaffargarh (4·2). The provincial per-centage was 18·1.

A.—APPEALS IN DISTRICT COURTS.

Appeals for disposal in District Courts.

80. There were 9,692 appeals for disposal in the District Courts during the year. Of these 9,119 or 94·1 per cent. were disposed of, leaving a pending file at the end of the year of 573 cases or 5·9 per cent. of the total for disposal. Disposals show an advance on the results of 1876 of 3 per cent.

Details of disposal.

81. Judicial Assistants, and Assistant Commissioners specially empowered, turned out 78 per cent. of the cases disposed of.

The following are details of disposal :—

		1876.	1877.
Withdrawn or struck off in default	...	6·5	5·1
Confirmed without issue of notice to respondent	...	20·2	15·5
Confirmed after notice	...	41·3	43·9
Modified	...	7·7	8·6
Reversed	...	14·4	15·1
Remanded for further inquiry	...	9·9	11·8

Variations in certain details.

Ludhiána, Simla, Gujrat, Kohát.

82. The only feature in the above which appears to call for remark is the more sparing use of Sec. 7 of Act IX of 1873. It is noteworthy, in this connection, that in the Districts named in the margin, the respondent is invariably summoned. In the Delhi and Sirsa Districts only one per cent., and in Karnál and Jhang 3 per cent. of the appeals are heard without notice to respondent. In the Districts of Muzaffargarh and Montgomery, on the other hand, 59 per cent. and 55 per cent. respectively, are so decided.

There is a trifling rise in the proportion of reversals from 14·4 per cent. in 1876 to 15·1 in 1877. In Kohát, Muzaffargarh, Delhi, Gurgaon and Gujránwála the proportion varies from 28 to 23 per cent. It was very low in Ludhiána (5 per cent.), Gurdáspur (8 per cent.) and Gujrat (8 per cent.).

Cases remanded show a tendency to increase in number. Such cases are more numerous by 1·9 per cent. than in 1876, and by 4 per cent. than in 1875. The proportion of remands to disposals exceeds 20 per cent. in the Districts of Kohát, Shahpur and Dera Ismail Khan. In the Hissar district they do not exceed one per cent.

Pending file.

83. In the pending file of 573 cases, there were 73 of over 2, and 8 of over 4 months duration. The cases appear to be evenly distributed among the Courts.

Average duration.

84. The average duration of appeals in District Courts has again increased—*viz.*, from 28 to 31 days. It varies from 65 days in Gurgaon to 7 days in Hissar.

Excluding Gurgaon, where circumstances have been exceptional, the very high average in the following districts:—

		Days.
Ferózepore	...	61
Umballa	...	52
Jullundur	...	49
Gujrát	...	44

has been more or less satisfactorily explained.

It should also be remarked that when so large a proportion of cases is remanded, and in another large proportion, the summary process prescribed by the law not enforced, a high average duration must be expected. It is believed, moreover, that the preliminary proceedings known as the "katcha peshi," are not taken as early as they might be, and that when cases are remanded to the Lower Court a date for the return to the remand is not invariably fixed.

The appeal longest pending, dating from the 19th May 1877, was in the Hazára district. The delay has not been satisfactorily explained, but the case has since been decided.

Value and cost of appeals.

85. The value and cost of appeals in District Courts are exhibited in the following statement. The insertion of the totals of 1876 obviates special remarks.

Scale of valuation.		Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.			Average cost of appeals.			Percentage of costs to value.
Not exceeding Rs.	5	1,002	3,419	1,417	3	6	7	1	6	7	41·4
" " "	20	2,975	36,872	6,231	12	6	5	2	1	6	16·9
" " "	100	3,939	1,88,718	20,939	47	14	4	5	5	1	11·1
" " "	500	902	1,49,931	13,882	166	3	6	15	6	3	9·2
Appeals of which no value can be fixed	...	212	...	2,340	...	..	...	11	0	7	...
Total, ...	1877.	9,030	3,78,940	44,809	41	15	5	4	15	5	11·8
	1876.	8,306	3,65,406	40,319	43	15	11	4	13	8	11·0

B.—Appeals to Commissioners.

86. Annexed is a statement showing details of the working of Commissioners' Courts, during the year, with the totals of 1876 for purposes of comparison:—

Division.		Number of appeals for disposal.	Number disposed of.	*Appeals withdrawn, transferred, or struck off for default.*		*Confirmed.*		*Modified.*		*Reversed.*		*Remanded under section 351 Act VIII of 1859 or section 562 of Act X of 1877.*	
				Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Delhi		588	396	32	8·1	206	52·0	22	5·6	101	25·5	35	8·8
Hissar		428	405	16	3·9	243	60·0	52	12·9	77	19·0	17	4·2
Umballa		806	509	26	5·1	369	72·5	17	3·3	87	17·1	10	2·0
Jullundur		1,381	1,125	58	5·1	732	65·1	52	4·6	217	19·3	66	5·9
Amritsar		859	586	19	3·2	366	62·5	43	7·3	119	20·3	39	6·7
Lahore		910	809	17	2·1	580	71·7	32	3·9	151	18·6	29	3·6
Rawalpindi		751	729	18	2·5	578	79·3	20	2·7	87	11·9	26	3·6
Moultan		226	203	10	4·9	96	47·3	15	7·4	49	24·1	33	16·3
Derajat		172	167	4	2·4	108	64·7	17	10·2	28	16·7	10	6·0
Peshawar		244	218	4	1·8	140	64·2	26	11·9	36	16·5	12	5·5
Total ...	1877	6,365	5,147	204	4·0	3,418	66·4	296	5·7	952	18·5	277	5·4
	1876	6,909	5,868	329	5·6	3,624	61·8	408	7·0	1,059	18·0	448	7·6

While, therefore, the numbers for disposal have decreased by 7·8 per cent., the disposals have also fallen off (12·3 per cent). This has arisen from institutions gaining on disposals chiefly in the Umballa and Amritsar Divisions, and, in a smaller degree, in the Delhi Court. The causes of the block will be noticed in a later para.

The principal feature in the above table is the increase (amounting to more than 4 per cent.) in the per-centage of orders confirmed. 18·3 per cent. of these were confirmed without notice to the respondent. The proportion of reversals has very slightly advanced. Remands are less frequent by 2·2 per cent.

Additional Commissioners disposed of 1598 of the 5147 appeals decided, as shown in the subjoined table :—

	Appeals disposed of.
Delhi	160
Jullundur	805
Amritsar	445
Deraját	12
Pesháwar	176

Pending file.

87. The pending file numbered 1218 appeals, of which 336 were of over 4 months' duration. These results exhibit an increase both of cases pending and of arrears, as compared with those of 1876, when the corresponding totals were 1041 and 186 respectively.

The heaviest files at the close of the year were pending in the Umballa, Amritsar and Jullundur Divisions.

The Commissioner of Umballa has worked single-handed throughout the year. In the Amritsar Division there have been several changes in the officers holding the appointment of Additional Commissioner, with the result that the disposals of 1877 compare unfavorably with those in the preceding year. There were vacancies in the appointment extending over periods amounting in the aggregate to 4 months in the course of the year.

In spite of the actual out-turn in the Jullundur Division having, in 1877, somewhat exceeded that of 1876, the enormous litigation of this Division left the files of the Commissioner and Additional Commissioner heavily burdened at the close of the year. Colonel Davies was deprived of the assistance of an Additional Commissioner for three-fourths of the year at Delhi. The appointment of an Additional Commissioner to the Derajat Division was discontinued after the first quarter of 1877.

Average duration.

88. The average duration of appeals has decreased from 79 days in 1876 to 72 days in the year under report, and in no single Division did the maximum average of 1877 approach that of the preceding year.

Value and cost of appeals.

89. The following table gives details of the value of cost of appeals in Divisional Courts :—

Scale of valuation.		Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.	Average cost of appeals.	Per-centage of costs to value.
Not exceeding ...	Rs. 5	259	927	700	3 9 3	2 11 1	75·5
"	" 20	811	11,751	3,037	14 7 10	3 11 1	25·8
"	" 100	1,909	1,02,578	14,330	53 11 9	7 8 1	14·0
"	" 500	1,229	2,74,481	26,977	223 5 5	21 15 2	9·8
"	" 1,000	184	1,29,527	12,259	703 15 3	66 10 0	9·5
"	" 5,000	133	2,61,154	17,994	1,963 9 0	135 4 9	6·9
"	" 10,000	7	50,430	4,729	7,204 4 7	675 9 2	9·4
"	" 1,00,000	2	33,472	38	16,736 0 0	19 0 0	·1
Appeals of which no value can be fixed.		609	...	7,280	... ...	11 15 3	...
Total ...	1877	5,143	8,64,320	87,344	168 0 11	16 15 9	10·1
	1876	5,865	11,88,595	95,073	202 10 6	16 3 5	7·9

C.—Appeals in Chief Court.

90. The following statement exhibits the Appellate business of the Chief Court with details of the manner of disposal :—

	Year.	Number of appeals instituted.	Number of appeals for disposal.	Number disposed of.	Per-centage of Appeals. Transferred.	Dismissed for default.	Rejected at preliminary hearing.	Confirmed after issue of notice to respondent.	Modified.	Reversed.	Remanded under Sec. 351.	Average duration.
Regular Appeals ...	1876	686	849	667	·5	6·9	21·1	39·1	3·0	22·6	6·8	77
	1877	561	745	495	...	3·4	18·4	48·7	3·2	19·0	7·3	109
Special Appeals ...	1876	1,294	1,499	1,292	·3	8·2	48·3	23·7	1·9	5·1	12·5	54
	1877	1,318	1,525	1,224	...	2·4	58·5	21·2	·8	4·4	12·7	58
Total ...	1876	1,980	2,348	1,959	·3	7·8	39·0	29·0	2·2	11·1	10·6	62
	1877	1,879	2,270	1,719	...	2·7	46·9	29·2	1·5	8·6	11·1	73

Appeals for disposal.

91. In the year under report 1879 appeals were instituted as compared with 1980 in the previous year. There has been a decrease, in other words, amounting to 5·1 per cent.

Pending file.

92. The year closed upon a pending file of 551 cases, showing a total of disposals amounting to 1,719 cases. The proportion of disposals to the total number of appeals for decision was therefore 75·7 per cent.

Average duration.

93. The average duration of Civil appeals was 73 days. Regular appeals occupied on an average 109 days, and special appeals 58 days. The oldest case pending dates from August 1876. It was remanded for further investigation when originally before the Court. The return to this remand being incomplete a further remand was essential. The case has been decided during the current year.

Appeals in land cases.

94. The proportion of appeals in land cases has increased from 33 per cent. in 1875, to 37 per cent. in 1876, and 40 per cent. in the year under report.

95. The value and cost of appeals disposed of by the Chief Court appear in the following table:—

Valuation of suits.	Appeals in suits other than for land.									Land suits.									
	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.			Average cost of suits.			Per-centage of costs to value.	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.			Average cost of suits.			Per-centage of costs to value.
Not exceeding Rs. 5	27	89	123	3	4	9	4	8	11	138·2	63	209	270	3	5	1	4	4	7	129·1
Ditto " 20	112	1,441	582	12	13	10	5	3	2	40·4	165	2,047	953	12	6	6	5	12	4	46·5
Ditto " 100	231	14,372	2,182	62	3	6	9	7	2	15·2	314	15,721	2,879	50	1	1	9	2	8	18·3
Ditto " 500	152	35,884	4,083	236	1	3	26	13	9	11·3	133	30,499	3,309	229	5	0	24	14	1	10·8
Ditto " 1,000	41	32,769	4,141	799	3	11	101	0	0	12·6	12	7,027	851	585	9	4	70	14	8	12·1
Ditto " 5,000	27	53,029	5,675	1,964	0	7	210	3	0	10·7	3	4,794	479	1,598	0	0	159	10	8	10·0
Ditto " 10,000	2	15,437	815	7,218	8	0	407	8	0	5·3	0	0	0	0	0	0	0	0	0	0
Ditto " 1,00,000	3	80,033	4,426	26,677	10	8	1,475	5	4	5·5	3	99,729	2,774	33,243	0	0	924	10	8	2·8
Exceeding " 1,00,000	0	0	0	0	0	0	0	0	0	0	1	1,96,500	4,266	1,96,500	0	0	4,266	0	0	2·1
Appeals of which no value can be fixed	* 430	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL ...	1,025	2,33,054	22,027	217	5	11	21	9	10	9·4	694	3,56,526	15,781	513	11	7	22	14	2	4·4

Applications for occupancy rights	110
" " declaratory decree	172
" " custody of Wives	33
" " execution of decree &c.	115
Total	* 430

96. While, therefore, the average value of appeals in suits other than for land has declined from Rs. 380-5-8 to Rs. 217-5-11, the value of appeals in land cases shews the remarkable rise from Rs. 82 in 1876 to Rs. 513-11-7 in 1877—a rise principally caused by the disposal, in 1877, of one case valued at nearly 2 lákhs, and of three others each exceeding Rs. 10,000 in valuation.

Variations in value and cost of appeals.

The average cost of the former class of appeals has decreased by Rs. 11-7-10, while that of the latter has risen by about Rs. 9. The per-centage of costs to value in appeals connected with land has declined by 12 per cent., while in other appeals it is almost the same as in 1876.

97. The following statement shows the miscellaneous civil cases disposed of in the Chief Court:—

Cases under section 35 of Act XXIII of 1861 or under section 622 Act X of 1877 ...	198
Cases under section 16 of Act IV of 1866 ...	35
Civil References	13
Petitions for removal and transfer of suits and appeals	27
Miscellaneous cases and petitions	456
TOTAL, ...	729

PART IV.—PROCEDURE.

98. The year under report was marked by the introduction of a new Civil Porcedure Code (Act X of 1877). As it was in operation, however, only during the last quarter, its effects on the year's litigation were comparatively unimportant.

A new Civil Procedure Code.

99. The issue of the summons for final disposal is discussed in the majority of the reports. The construction to be placed on the meaning of the proviso to section 68 of the new Procedure Code is a question upon which there may be room for difference of opinion. Many officers regard the issue of a Summons for final disposal as rendered compulsory, by the terms of that proviso, in all suits of the nature cognizable by Courts of Small Causes. Comparing the language of section 586 of the Code with that of section 68, the construction adopted by these officers is one which may well be questioned. In the opinion of the officers whose views are here noticed, the framing of the hard and fast rule which their reading of the Code enjoins, however well suited to the more advanced parts of India, is but little adapted to the backward agricultural population of the Punjab. It is noted, in the reports of these and other officers, that the object of this description of summons is almost invariably defeated by the ignorance of the people. It is a rare occurrence for a contested case to be decided at the first hearing, even when a summons for final disposal may have been issued, because the defendant has not brought his witnesses, often does not know on what point evidence is required, with the result that the Court is left to elect between granting an inevitable adjournment or committing a possible injustice.

Summons for final disposal.

100. The preparation and exhibition of cause-lists appear to be almost universal. The utility of such lists to a population in the main illiterate is questioned in more than one report. The practice of giving slips, bearing the date and place of the next hearing, in the case of adjournments, which the Judges commended for adoption in last year's report, seems to have been more generally followed, and for a longer time than was then supposed.

Cause Lists.

101. The granting of adjournments is touched upon in the greater number of the Divisional and District reports. It appears to be generally felt, that, while considerable progress has been made in this direction, there is still room for improvement, and that postponements are still too readily granted, especially in courts where a native Judge presides. The Deputy Commissioner of Montgomery is of opinion that such officers sometimes adjourn cases in the hope that the parties may, by coming to some arrangement out of Court, relieve them of the responsibility of deciding the case. The Commissioner of Jullundur and the Deputy Commissioner of Amritsar concur in thinking that the people themselves do not object to postponements provided they have a definite date fixed for the hearing of their cases. It is probably true that they prefer the adjournment of their cases to a distant date, if they cannot be heard on the day originally fixed, to being expected to hang about the Court for two or three days by the presiding officer, who adopts this course in the hope that he may have leisure to dispose of the suit within a few days. But no man can possibly take with equal satisfaction two journeys in the place of one for the same object.

Adjournments.

Commissions for local inquiry and examination of accounts.

102. There is considerable difference of opinion as to the appointment of commissions for local inquiry and for the examination of accounts. While certain officers denounce the practice as the delegation of the Court's powers to irresponsible persons, others consider commissions of the one kind generally the most satisfactory means of solution, and in the other the only means possible. While one District Officer would restrict their issue by making the previous consent of the District Appellate Court compulsory, another would like to see the practice extended, and a third considers they are popular, because a frequent ground of appeal is that a commission was not appointed. The divergence of opinion, in all probability, arises from the one group of officers regarding the practice exclusively from the point of view of its abuse, while the other views it only in the light of its use. Meanwhile the issue of commissions continues to diminish.

Recording of evidence

103. Evidence is usually recorded as required by the Code. To this rule there are a few exceptions, which are generally confined to the Honorary Civil Judges, some of whom are illiterate. Judgments also are, as a rule, properly prepared and delivered. Instead of embodying an outline of the case in their judgments, native officers are still too frequently in the habit of prefacing the actual decision with a faithful transcript of the plaint, the pleas, the issues and the whole evidence.

A Circular Memo. (No. 6 of 1877) was issued on this subject during the year, and it was also noticed in Circular Memo. No. 29.

Framing of issues

104. Several officers draw attention to the very unsatisfactory way in which issues are framed in the Courts of Native Judges "The framing of issues," writes Mr. T. W. Smyth, "is a stumbling-block to some [officers] who almost invariably set forth the whole of the pleadings in them." The Commissioner of Delhi remarks that the term "issue" is very imperfectly translated in the present vernacular rendering, "which is apt to mislead Native Magistrates into setting down as issues all the points on which information is required." Colonel Davies admits that his suggested emendation ("amuát mutanazi fihí") would not include all that the English expression connotes.

Execution of decrees.

105. To the remarks already made on the subject of the realization of money decrees it may here be added that the result of the experiment suggested in the Court's Book Circular No. II of 1878 will be awaited with much interest. An opinion prevails that, in a large number of cases shown as "struck off in default," the debt has either been paid or a fresh security executed. The suggestion of the Deputy Commissioner of Hoshiárpur that execution of decree cases should form part of the daily cause list, would seem to point to a practice of leaving the disposal of such cases too much to chance. A greater degree of care and regularity must for the future be insisted on. The provisions of section 230 of the new Code so stringently prohibit the admission of a second application for execution unless the decree-holder can satisfy the Court that he used due diligence upon the first, that it would be unreasonable to expect due diligence from him if the Courts on their part show any laxity of procedure; and the only method by which the Courts can adhere to the procedure prescribed is by fixing dates for hearing and bringing the cases forward on those dates with unfailing regularity and precision.

Supervision.

106. The working of the Courts is carefully supervised and irregularities brought to the notice of presiding officers. The practice of examining, not only registers and decided cases, but also pending files, appears to be on the increase. Inspection reports have been received, from time to time, from a large number of Divisional and District Officers.

I have the honor to be,

Sir,

Your most obedient Servant,

T. O. WILKINSON,

Offg. Registrar, Chief Court, Punjab.

IMPERIAL RETURNS.

IMPERIAL RETURN. No.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF ORIGINAL

DURING THE

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	Money due.									Suits for Damages.						
	On written promise for sum certain.															
Class of Court.	Registered.	Unregistered.	On unwritten promise for sum certain.	On account stated.	For money paid or received.	For goods sold and delivered.	For breaches of contract not included in the above.	Suits for rent other than of land.	Recovery of personal property, or value thereof.	For injuries to the person.	For injuries to property.	For defamation.	For other injuries not included in the above.	Suits to compel specific performance of contracts.	Suits to set aside contracts and obligations on account of fraud, mistake or accident.	Suits to compel or prevent particular acts by way of *mandamus* or injunction.
Cantonment Small Cause Court	57	1,206	2,236	2,415	8	359	169	403	621	...	23	...	...	...	...	...
District Small Cause Court	140	4,445	2,224	1,303	161	2,172	986	597	369	...	23	...	19	114	...	...
Unpaid Local Tribunals (*Honorary Civil Judges.*)	350	4,013	3,098	2,980	38	60	62	71	1,091	8	54	47	17	...	1	...
Paid Sub-Divisional Tribunals (*Munsiffs*) ...	4,010	43,579	27,498	23,874	394	1,074	63	804	6,339	30	334	219	63	98	10	11
Ditto ditto (*Tahsildárs and Náib Tahsildárs*) ...	916	9,633	9,083	7,954	125	209	118	416	2,906	39	441	93	138	60	15	11
District Courts other than Chief Courts of Districts (*Asst. and Extra Asst. Commissioners*) ...	2,677	9,567	4,491	6,260	155	494	259	320	1,808	54	279	225	146	136	62	31
Judicial Assistant's Court	360	1,027	345	595	16	49	29	24	81	...	...	13	7	9	4	1
Chief Courts of Districts (*Deputy Commissioners*)	18	15	10	26	...	2	3	1	5	...	1	4	...	...	1	...
Superior Court of General Jurisdiction (*Chief Court*)	...	...	...	...	11	...	...	...	...	...	...	...	...	...	...	...
Total ...	8,528	73,485	48,985	45,407	908	4,419	1,689	2,636	13,220	133	1,164	601	390	417	93	54

No. 6.

Class of Court.	38	39	40	41	42	43	44	45	46	47	48
	Claims to right of preemption.			Suits for partition of immovable property.				Rent Suits, not being Punjab Tenancy			
	Land only.	Other property.	Suits regarding the relative rights of superior and inferior holders of land (other than rents).	Land only.	Other property.	Suits regarding boundaries.	Suits for, or relating to real property, not included in the foregoing.	Suits to recover arrears of rent from tenants without right of occupancy.	Suits to recover arrears of rent from tenants with right of occupancy.	Suits regarding illegal exaction, duress, distraint, or demand.	Suits regarding accounts, &c., by or against agents &c.
Cantonment Small Cause Court	...	...	...	...	...	...	...	...	...	...	...
District Small Cause Court	...	...	...	...	...	...	...	...	...	...	...
Unpaid Local Tribunals (*Honorary Civil Judges*)	15	13	13	16	48	8	245	92	10	...	...
Paid Sub-Divisional Tribunals (*Munsiffs*) ...	72	42	38	77	68	48	867	757	282	8	...
Ditto Ditto (*Tahsildárs and Náib-Tahsildárs*) ...	208	75	669	194	120	103	3,118	2,163	687	10	...
District Courts other than Chief Courts of Districts (*Asst. and Extra Asst. Commissioners*) ...	319	200	111	185	150	58	2,360	354	191	24	3
Judicial Assistant's Court	25	19	...	20	27	...	158	11	1	...	...
Chief Courts of Districts (*Deputy Commissioners.*)	1	...	...	1	1	...	17	...	...	...	...
Superior Court of General Jurisdiction (*Chief Court.*)	...	...	...	...	...	...	...	...	...	...	...
Total ...	640	349	831	493	414	217	6,765	3,377	1,171	42	3

CIVIL SUITS DISPOSED OF IN THE DISTRICTS OF THE PUNJAB, YEAR 1877.

18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37
			Suits relating to marriage, dower, and divorce.							Claim to inheritance.								Suits relating to mortgage of immovable property.	
										Under Muhammadan Law.		Under Hindu Law.		Under any other Law.					
Suits to settle partnership and other accounts.	Suits connected with religion and caste.	Suits relating to administration of trusts and religious endowments.	Suits connected with betrothal.	Suits for custody of wives.	Other suits.	Suits to establish or dispute adoption.	Suits regarding custody and guardianship of infants and lunatics.	Other suits to declare or establish personal rights.	Suits to establish or contest wills.	Land only.	Other property.	Land only.	Other property.	Land only.	Other property.	Suits to establish or contest the acts of Hindu widows.	Suits relating to the revenue.	Land only.	Other property.
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
10	1	2	118	25	14	1	1	6	...	...	2	84	15	64	47	..	134	63	43
164	2	19	395	20	62	...	...	23	1	121	45	105	73	247	169	2	1,641	365	209
20	2	5	171	7	49	5	...	180	1	289	48	249	32	295	270	...	3,457	609	219
188	3	20	661	1,435	181	70	27	158	9	174	61	222	51	495	241	15	1,313	868	468
29	..	...	101	215	48	1	15	11	4	6	14	21	14	24	6	...	77	103	20
1	...	2	8	24	8	2	12	1	...	...	2	...	...	...	2	...	...	3	1
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
412	8	48	1,454	1,756	362	79	55	379	15	590	172	681	185	1,125	735	17	6,622	2,011	955

Concluded.

49	50	51	52	53	54	55	56	57	58	59	60	61	62	63
Suits under Act.		Suits under the Punjab Tenancy Act.												
Suits to resume or assess land held exempt from revenue or rent.	Suits not included in columns 45 to 49, not being suits under the Punjab Tenancy Act.	Suits under Section 5 by tenants for right of occupancy.	Suits to establish right of occupancy under Section 8 on other grounds than those mentioned in the previous Sections of the Act.	Suits under Section 6 by land-lords for rebuttal of presumptive right of occupancy.	Suits under Sections 10 and 11 for enhancement of rent.	Suits under Section 14 for abatement.	Suits for arrears of rent where remission is allowed under Section 15.	Suits under Section 18 to set aside award of division and appraisement of produce taken for rent.	Suits under Section 19 by land-lords for ejectment of tenants with right of occupancy (Sec. 19, Clause 1).	Suits under Section 19 by land-lords for ejectment of tenants with right of occupancy (Sec. 19, Clause 2).	Suits under Section 20 by land-lords for ejectment of tenant without right of occupancy.	Suits under Section 25 by tenants to contest notice of ejectment.	Suits under Section 26 by tenants on account of illegal ejectment.	Total.
...	...	...	...	...	...	...	...	...	...	...	...	...	...	7,497
...	...	...	..	...	...	...	...	...	...	..	...	...	...	12,553
...	1	5	..	...	24	...	...	...	1	34	9	1	7	13,062
...	...	50	...	8	49	5	.	...	7	18	25	4	23	1,14,511
15	58	331	21	27	92	21	...	...	15	2	215	72	99	46,380
1	65	188	33	15	154	26	...	...	64	26	61	181	48	38,439
..	..	31	2	1	...	...	...	...	1	..	...	12	...	3,619
...	1	...	..	..	...	...	...	..	...	..	...	...	..	173
...	...	...	...	...	...	...	..	...	...	...	...	...	...	11
16	125	605	56	51	320	52	...	...	88	80	313	270	177	2,36,245

IMPERIAL RETURN.

No. 7.

STATEMENT SHOWING THE VALUE OF SUITS DISPOSED OF IN THE CIVIL COURTS OF THE PUNJAB, DURING THE YEAR 1877.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
	Number of Suits Disposed of in Different Courts.																		
VALUE OF SUITS.	District Small Cause Courts.		Cantonment Small Cause Courts.		Unpaid Local Tribunals (*Honorary Civil Judges*).		Paid Sub-Divisional Tribunals (*Munsiffs.*)		Paid Sub-divisional Tribunals (*Tahsildárs and Náib Tahsildárs.*)		District Courts (other than Chief Courts of Districts) (*Assistant and Extra Assistant Commissioners.*)		Chief Courts of Districts (*Judicial Assistants*)		Chief Courts of Districts (*Deputy Commissioners.*)		Chief Court of Province.	Total value of Suits.	
	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Other.	Land.	Other.
Not exceeding Rs. ... 5	...	2,335	...	2,230	162	1,572	662	15,104	2,205	6,950	979	2,250	46	130	...	5	...	12,251	1,11,301
Do. ... 20	...	5,113	...	3,254	208	5,424	1,040	43,697	2,997	15,775	1,536	8,152	150	491	1	12	...	75,188	11,14,212
Do. ... 100	...	4,173	...	1,763	153	4,926	869	43,637	2,095	13,291	2,222	12,444	162	941	4	17	1	2,56,077	34,09,514
Do. ... 500	...	1,021	...	250	40	590	153	9,102	421	2,189	1,025	6,161	119	786	2	31	2	3,70,267	37,65,836
Do. ... 1,000	...	...	...	...	...	17	...	...	...	...	156	1,073	27	228	2	27	3	1,28,737	9,18,861
Do. ... 5,000	...	...	...	...	1	2	...	...	1	...	39	348	14	129	3	10	4	1,03,527	9,15,092
Do. ... 10,000	...	...	...	...	...	...	...	...	...	...	3	16	1	13	...	3	1	30,814	2,63,616
Do. ... 1,00,000	...	...	...	...	...	...	...	...	...	...	...	...	...	14	...	5	...	...	4,30,567
Exceeding Rs. ... 1,00,000	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Suits of which the value cannot be fixed ...	...	...	...	...	...	24	72	107	201	124	417	1,662	45	332	5	46	...	...	...
TOTAL ...	...	12,642	...	7,497	564	12,555	2,796	1,11,647	7,920	38,329	6,377	32,106	564	3,064	17	156	11	9,77,844	1,09,28,999

IMPERIAL RETURN.

No. 8.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL SUITS IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB DURING THE YEAR 1877.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	Number of Cases on the File.				Disposed of without Decree.				Decree passed.												Average duration of suits.	
									Without contest.				With contest.									
Class of Courts.	Suits remaining from last year.	Filed in 1877.	Received by transfer.	Total for disposal.	Transferred.	Dismissed for default.	Withdrawn with leave.	Adjusted by mutual agreement.	Compromised.	Decreed on confession.	Decreed *exparte*.	Dismissed *exparte*.	Judgment for plaintiff in whole or part.	Judgment for defendant.	Referred to arbitration.	Total disposed of.	Pending	Over two months.	Over four months.	Plaints rejected or returned.	Contested.	Uncontested.
Small Cause Courts ...	496	19,943	277	20,716	1	2,534	119	2,196	1,997	4,146	2,288	111	5,237	1,678	317	20,307	409	3	...	174	12	10
Unpaid Local Tribunals. (*Honorary Civil Judges*) ...	404	13,220	494	14,118	2	2,386	75	1,241	1,309	3,391	1,082	79	3,088	881	249	13,534	584	34	16	52	27	15
Munsif's Court ...	5,370	1,14,627	3,363	1,23,360	5	19,474	1,121	14,272	13,895	24,279	8,857	568	26,485	8,971	1,527	1,17,927	5,433	96	3	2,575	21	15
Paid Sub-divisional Tribunals. (*Tahsildárs and Náib-Tahsildárs*) ...	2,251	45,825	1,663	49,739	4	8,168	749	5,926	3,445	8,713	2,889	267	12,638	5,227	1,080	48,026	1,713	61	39	1,016	23	17
District Courts other than Chief Courts of Districts. (*Asst. and Extra Asst. Commissioners*) ...	3,698	38,021	1,761	43,480	4	7,174	654	3,452	2,405	5,793	3,107	221	11,702	5,704	927	40,216	3,264	315	190	1,472	32	20
Judicial Assistant's Courts ...	307	3,514	164	3,985	2	538	64	310	177	571	187	9	1,338	589	134	3,785	200	11	6	213	37	22
Chief Courts of the Districts. (*Deputy Commissioners*) ...	9	172	3	184	...	19	3	17	16	19	6	1	65	30	...	176	8	2	2	21	32	20
Superior Court of General Jurisdiction. (*Chief Court*) ...	...	14	...	14	...	1	...	...	...	...	...	...	10	...	...	11	3	2	1	...	24	55
Total ...	12,535	2,35,336	7,725	2,55,596	18	40,294	2,785	27,414	23,244	46,912	18,416	1,256	60,563	23,080	4,234	2,43,982	11,614	524	257	5,523	26	17

IMPERIAL RETURN.

No. 9.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS OF THE PUNJAB DURING THE YEAR 1877.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	For disposal.						Heard exparte.				Contested.											
							Confirmed.															
Class of Courts.	Pending from last year.	Instituted.	Received by transfer.	Total.	Transferred.	Dismissed for default or under Sec. 6 Act XXIII of 1861 or Sec 557 Act X of 1877.	Decided *exparte* without appearance of Respondent.	Rejected under Sec 7 Act IX of 1873	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	Remanded.	Total disposed of.	Pending at the end of the year	Over two months.	Over four months.	Average duration.	Objections under Sec. 348 Act VIII of 1859 or Sec. 561 Act X of 1877	Objections allowed.	Remarks.
Appellate Courts other than Chief Courts of Districts (*Assistant Commissioners*)	9	136	...	145	...	1	...	14	...	2	89	6	20	8	140	5	...	...	22	...	...	
Chief Appellate Courts of Districts other than Deputy Commissioner's (*Judicial Assistants*)	648	6,762	94	7,504	..	353	283	1,112	28	28	2,722	566	1,029	892	7,013	491	59	4	29	7	4	
Chief Appellate Courts of Districts (*Deputy Commissioners*)	134	1,880	29	2,043	...	113	106	283	17	16	801	167	283	180	1,966	77	14	4	37	2	...	
Total ...	791	8,778	123	9,692	...	467	389	1,409	45	46	3,612	739	1,332	1,080	9,119	573	73	8	31	9	4	
Superior Appellate Courts (*Commissioners and Additional Commissioners*)	1,033	5,308	24	6,365	4	200	282	626	8	29	2,510	288	923	277	5,147	1,218	411	336	72	9	3	
Chief Court of the Province — Regular	182	561	2	745	...	17	...	91	...	...	241	16	94	36	495	250	65	81	109	1	...	
Chief Court of the Province — Special	207	1,318	...	1,525	...	29	...	716	...	..	260	10	54	155	1,224	301	134	75	58	1	...	
Total ...	389	1,879	2	2,270	.	46	...	807	..	...	501	26	148	191	1,719	551	199	156	73	2	...	
Grand Total ...	2,213	15,965	149	18,327	4	713	671	2,842	53	75	6,623	1,053	2,403	1,548	15,985	2,342	683	500	49	20	7	

IMPERIAL RETURN.

NO. 10.

STATEMENT SHOWING THE EXECUTION OF THE DECREES OF THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1877.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Class of Courts.	Applications to Execute Decrees.										Nature and number of coercive processes issued.					
												Movable property		Immovable property.		
	Pending.	Filed in 1876.	Received by transfer.	Total.	Decrees completely executed.	Decrees partially executed.	Decrees in which there was no execution.	Transferred.	Total disposed of	Pending.	Arrest of person.	Attached.	Sold.	Attached.	Sold.	Orders under Section 243 or 244 of Act VIII 1859, or under Sections 305, 326, 503, 504 of Act X of 1877.
Small Cause Courts	534	16,883	43	17,460	3,816	7,543	5,093	558	17,010	450	2,569	31,292	581	...		...
Unpaid Local Tribunals *(Honorary Civil Judges)*	681	4,986	15	5,682	2,384	1,315	1,346	9	5,054	628	86	3,038	744	481	119	6
Paid Sub-divisional Tribunals *(Munsiffs)* ...	5,728	56,278	205	62,206	20,063	17,245	18,248	117	55,673	6,533	1,570	38,246	10,854	3,229	1,096	73
Paid Sub-divisional Tribunals ... ... *(Tahsildárs and Náib-Tahsildárs)*	2,916	28,271	278	31,465	11,565	7,697	9,461	92	28,815	2,650	879	15,497	3,396	1,533	223	45
District Courts other than Chief Courts of Districts. ... ... *(Assistant and Extra Assistant Commissioners)*	4,997	30,788	201	35,986	10,245	8,718	12,423	258	31,644	4,342	1,467	16,754	5,183	2,834	779	168
Chief Courts of Districts other than Deputy Commissioners *(Judicial Assistants)*	242	4,680	25	4,947	1,199	1,158	2,115	8	4,480	467	182	2,079	541	235	81	10
Chief Courts of Districts *(Deputy Commissioners)*	18	171	2	191	71	44	55	1	171	20	7	56	13	7	2	...
Total ...	15,111	1,42,057	769	1,57,937	49,343	43,720	48,741	1,043	1,42,847	15,090	6,760	1,06,962	21,312	8,319	2,300	302

Proceedings of the Hon'ble the Lieutenant-Governor, Punjab, in the Home Department,—No. 3276, dated 23rd September 1878.

Read—

Annual Report on Civil Justice for the year 1877, furnished by the Chief Court, dated 5th June 1878, and received 25th idem.

REMARKS.—The number of civil suits instituted throughout the Province during the year 1877 was 2,35,336, or 4,460 less than in the previous year. The institutions, however, reach a larger figure than in any year since 1871, as will be seen from the following summary of the statistics since that date:—

1871	...	...	2,18,934
1872	...	...	2,17,972
1873	...	...	2,21,864
1874	...	...	2,30,649
1875	...	...	2,30,607
1876	...	...	2,39,796

The decline of the original civil litigation is not confined to any particular class of court, and appears in the returns of 20 of the 32 districts. The general explanation offered is the prevalence of scarcity, but this did not begin until July, and was nowhere marked until late in the autumn. It is, however, stated that the chief decrease occurred towards the close of the year; and looking at the districts where the falling-off in the number of institutions was most considerable, it is of course possible that the failure of the harvest may have affected the returns of Gurgaon, Karnál, and Hazára, and perhaps, in a minor degree, of Rohtak and Hissar; but this cause would be quite inapplicable to Kohát, Montgomery and Pesháwar, where there was no scarcity. The District Officer, Kohát, attributes the local decrease to the transfer of land cases to the Settlement Courts, and the Deputy Commissioner, Pesháwar, can assign no special reason for the falling-off in his district. In both instances disturbances on the frontier may account, at least in part, for the facts observed. It is not clear why there should have been a decrease in Montgomery. The caution, moreover, with which the explanation of scarcity should be accepted is evident from the fact that in the Kángra and Jullundúr Districts, where the poorer classes certainly have felt greater difficulty than usual in obtaining the means of subsistence, there is an advance on the number of suits of 1876. In Amritsar, where the like result is shown, the increase is attributed partly to an abundant spring harvest and partly to the large demands of grain for exportation, making money-lenders anxious to get in their outstandings. On the other hand, the Deputy Commissioner of Kángra thinks that the bad harvest accounts for the increase in his district,—opposite causes being thus adduced to explain a like effect. The Commissioner of Jullundur considers the general increase of litigation in his Division to be due to the imperfections of the judicial system. The Lieutenant-Governor admits the desirability of analysing from year to year the tendencies to which may be ascribed the fluctuations in the statistics of Civil Justice; at the same time to resort, as is often done, to the state of the crops as the sole explanation of facts which are the result of numerous convergent influences seems to him an unsatisfactory mode of treating the subject. The gradually increasing complexity of social wants, the growth of new claims calling for new modes of satisfaction, the amelioration of law and procedure for the redress of wrongs which at times of less progress could not be reached by civil remedies, and the strengthening of the belief in the efficacy of the action of the courts in proportion as such action itself becomes more certain; and, in addition to these causes, the necessary evolution of individual rights from those which in unprogressive communities are strictly communal, are all circumstances which would show that litigation must increase as society advances; but they are also circumstances which can only be properly observed by the comparison of the results obtained after the lapse of considerable periods of time. They should, however, be borne in mind by

the District Officers, and the yearly enquiry should be directed towards ascertaining the special causes in particular localities which tend to check the normal increase in the number of civil suits, which, in itself a subject for neither regret nor satisfaction, is nevertheless a necessary concomitant of social improvement.

2. The total number of regular suits for disposal, including pending cases, was 2,55,596 ; of this total 2,43,982, or 95·5 per cent., were disposed of during the year, and 11,614, or 4·5 per cent., were pending at its close. The average duration in contested cases was 26 days, or one day more than in the previous year; the average in uncontested cases was 17 days, as in 1876. This quick despatch of business is satisfactory. The average duration of contested cases was, however, high in the Shahpur, Jullundur and Hoshiárpur Districts. Major Beadon and Mr. Coldstream attribute the long duration in their respective districts to the frequent removals of officers, and the delay in the appointment of others to replace them ; and the same reason is adduced to explain the high average in Shahpur. The Lieutenant-Governor does not think that the delay is satisfactorily accounted for in any of these districts, in none of which have the changes of officers been excessive.

3. The suits for money due on registered bonds number 8,528, as against 12,042 in 1876, and the parallel figures in regard to suits for money due on unregistered bonds were 73,485 and 75,791 respectively. The Judges state that the general decrease in this class of suits is attributed to a feeling gaining ground among money-lenders that a bond, whether registered or unregistered, while more expensive and troublesome than an account stated, affords no additional security to the lender, nor any additional facility in recovering money due. The Lieutenant-Governor will be glad to be informed whether, in the opinion of the Chief Court, it is really the case that this estimate of the relative value of accounts stated and bonded securities is becoming prevalent:

4. The question as to the system of valuation of land suits, which several officers believe to proceed on erroneous principles, is regarded as too large to find appropriate discussion in the report; His Honor would, however, wish to know what the defects are which have been noticed.

5. No subject connected with the administration of Civil Justice has received more attention during the last few years than the agency for the disposal of suits. Soon after the large increase was made to the judicial staff, and the partial separation between the executive and judicial services was effected in 1875, it became clear that, although the District Officers and the Tahsildars were much relieved by the new arrangements, the labours of Commissioners of Divisions had been little, if at all, lightened. It also became evident in 1876 that, in launching the scheme, the amount of work thrown on different Munsiffs in different districts had not been equitably proportioned ; the subsequent measures have therefore aimed at remedying these defects, and recourse has been had mainly to executive orders, but in a small degree also to legislation, as conducive to this end. The general principle which has been kept in view has been that, for the purposes of Civil Justice, the administrative unit should be, neither the Tahsil nor indeed the Division, but the District; and this principle has been strengthened by the affirmation and extension of the old Punjab rule that the interior distribution of civil work should rest with the District Officer. This one step in advance was made when it was determined that the Munsiffs should be gazetted to powers throughout districts, instead of to powers in tahsils, and that the limits of their circles should be fixed with reference to the specific requirements of localities. Again, Additional Commissioners have been invested with jurisdiction throughout more than one Division, and the work as between themselves and the Commissioners has been allotted, not by strict adherence to Divisional limits, but with reference to popular convenience and the equal division of labour.

Another series of measures has aimed directly at the regulation of the stream of appeal The powers of Assistant Commissioners and of Extra Assistant Commissioners have been in various districts adjusted solely on adminis-

trative grounds, and without the least disparagement of the efficiency of the individual officers affected, with the view of diverting the ordinary course of appeal in the mass of civil suits from the Court of the Commissioner to that of the District Officer. The abolition of the further appeal, by which is meant, in a phrase now superseded, the Punjab second regulation appeal, in cases of the character triable by Small Cause Courts, under Rs. 50 in value, which was effected by the passing of the Punjab Courts Act, should also lessen the work of the appellate Courts, though, as the Act in question was passed in October 1877, it is too early as yet to judge of its results in this particular. The Lieutenant-Governor would be glad if the Judges would favour him with their remarks on this subject in the report for the current year.

6. Some of the means above mentioned used to facilitate the working of the judicial scheme have also not been as yet sufficiently long in operation to admit of an opinion being formed upon their merits; but those which were in full play during the year 1877 certainly seem to have produced satisfactory results. More than 48 per cent. of the entire litigation of the Province was disposed of by the Munsiffs, and His Honor concurs with the Judges in regarding this as a most appreciable relief to the judicial, no less than to the executive branch, besides being a great boon to suitors. In 1876 it was decided that 360 cases per annum should be the limit of the number which Tahsildárs should be fairly required to dispose of; the average of 1877 is 319, thus slightly exceeding the Tahsildárs' average of 1876, which was 310, but well within the limit prescribed. In re-distributing the Munsiffs' circles and in adding to the staff, the Lieutenant-Governor is glad to observe that the Judges have had in view the relief of the tahsil establishments. In 1876 the Assistant Commissioners disposed, on an average for each officer, of 163 cases, and this small number was commented upon in last year's review; it is satisfactory to find that the figure for the year now under remark has almost doubled, being 312. Judicial Assistants have also disposed of more original cases.

7. In the report for 1876 it was stated that the total value of decrees of all descriptions put in execution amounted to Rs. 1,04,94,144, and that of this sum 26 per cent. was realized on account of money decrees. It was explained that the percentage was a rough one, calculated on the proportion borne by the amount realized on account of money decrees to the total amount realizable on decrees of all kinds; and it was further hoped that, the form of return being revised, the next report would, by showing accurately the ratio between money decrees for realization and money decrees realized, present more favourable results. In 1877 the value of money decrees put in execution was Rs. 97,75,995, and the realizations amounted to Rs. 29,21,508, or 30 per cent. of the total. There is therefore an advance in the matter of realizations, which His Honor regards as satisfactory. The Judges, however, remark that the change in the method of entering the amount in execution, and the separation of money decrees and their realizations from decrees connected with land, has not as yet fulfilled the expectations entertained; and they doubt whether the instructions on this point have always been properly followed. His Honor hopes that in future years the separation of decrees for money and for land will be more complete than at present.

8. The advantage or otherwise of the attendance of witnesses by private arrangement is noticed in the Report. His Honor is not surprised that the people are believed to regard witnesses for whom no formal summons is issued as either venal or prejudiced. It is not natural to suppose that members of the public would be at the trouble of attending to give evidence without some inducement or compulsion. From the returns as at present framed information cannot be elicited as to the cost of obtaining attendance of witnesses, and the amount paid to them as diet money; this defect should be remedied in future.

9. Partly on the representation of the Judges, and partly in view of the fact that the passing of the Punjab Courts Act had, by abolishing the second appeal in cases of the class cognizable by Courts of Small Causes, where the amount involved does not exceed the sum of Rs. 50, practically

narrowed the possibilities of appeal in very petty cases over a wide area, the Lieutenant-Governor agreed, during the course of last year, to the abolition of the Small Cause Courts of Ludhiána, Jullundur, Hoshiárpur, and Peshâwar. The number of cases on the file of the Small Cause Courts of the province has fallen from 15,991 to 13,091. The closure of the four courts specified above having only occurred in November, it is assumed that the decrease is due to the causes which have governed the general decrease of litigation in the province. As illustrating one effect of the New Code of Civil Procedure, it is noticed that the decrease of work in the Small Cause Courts would have been probably even greater but for the fact that the defendant's place of residence at the time of institution of the suit is now immaterial, provided the cause of action arose within the Court's jurisdiction. The scope of the Small Cause Court procedure, whilst limited by the reduction of four courts, has thus, at the same time, been practically extended by the changes in the law. The Judges anticipate that since the defendant does not now necessarily reside within the local limits of the jurisdiction of the court, the future average duration of cases will be perceptibly influenced by this circumstance. The point should be observed during the year, and noticed in the Report for 1878.

10. In reference to the appeals in District Courts, it is remarked that a more sparing use has been made of Section 7 of Act IX. of 1873, and it appears that in the Ludhiána, Simla, Gujrát and Kohát Districts the respondent was invariably summoned.

Act IX. of 1873 has been repealed by the Punjab Courts Act, but the provisions of the Section referred to, which admit of appeals being disposed of without any summons issuing to the party against whose interest the appeal is preferred, have been retained in Section 551 of the New Civil Procedure Code. The Lieutenant-Governor certainly considers that the procedure under this Section should be conducted on uniform principles, and he trusts that the Judges will instruct the District Appellate Courts accordingly.

11. The number of appeals for disposal before Commissioners fell from 6,909 to 6,365. The disposals, however, fell off more than 12 per cent; the institutions gaining on them chiefly in the Umballa and Amritsar Divisions, and in a smaller degree in the Delhi Court. It is hoped that the recent arrangements, which have already been adverted to, will bring about a distinct improvement during the current year.

12. In the Chief Court the number of appeals for disposal was in 1876 2,348, and of these 389 remained undisposed of at the end of the year. In 1877 the figures were 2,270 appeals for disposal, and 1,719 in which judgment was passed; the balance was therefore 551, or 162 in excess of the undisposed of residue in the previous year. The Lieutenant-Governor regrets to see that the number of appeals thus remaining at the end of 1877 had risen, though the number instituted was less.

13. The New Code of Civil Procedure provides in Section 68 that, in every suit *cognizable* in Courts of Small Causes, the summons shall be for final disposal. It appears that many officers regard this Section as rendering the issue of a summons of this description compulsory in all suits *of the nature* cognizable by Small Cause Courts, even when brought before Courts of the ordinary kind. The Lieutenant-Governor quite concurs in the view of the Chief Court that the framing of the hard-and-fast rule which this interpretation of the Code involves is not adapted to the agricultural population of the Punjab, and as the object of this kind of summons is almost invariably defeated by the ignorance of the people, there is no advantage apparent in such a construction of the law.

14. The Lieutenant-Governor is glad to hear that the practice of giving slips bearing the date and place of the next hearing of suits in case of adjournment, which the Judges commended for adoption in last year's Report, has been more generally followed, and for a longer time than was supposed.

Amongst an illiterate population this plan has obviously a much better effect than the mere preparation and exhibition of Cause Lists.

15. The great importance of the proper execution of decrees has frequently formed the subject of remark.

One of the provisions of the Punjab Courts Act extended the power of District Officers to distribute civil business to the execution of decrees. This provision has been followed up by a Circular of the Chief Court issued early in the present year, which recommends that some one specially selected officer should be entrusted at the head-quarters of the district with this important department of civil business. The Lieutenant-Governor will await with interest information as to the result of this scheme, which, he thinks, cannot but have beneficial effect on the administration.

16. The results shown by the Report are on the whole satisfactory, and it has been very well drawn up. The acknowledgments of His Honor the Lieutenant-Governor are due to the Judges for the manner in which they have supervised the work of the Civil Courts.

ORDER.—Ordered that copy of the foregoing remarks be furnished to the Registrar, Chief Court, for the information of the Judges, and for circulation with the Report.

Also that the remarks be published in the *Punjab Government Gazette.*

By order of the Hon'ble the Lieutenant-Governor,

LEPEL GRIFFIN,

Officiating Secretary to Government, Punjab.

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